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Senate

(Legislative day of Monday, March 27, 1995)

The Senate met at 9:20 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Let us pray:

Our Father, You have created us to glorify You and enjoy You forever. You have developed in us the desire to know You and have given us the gift of faith to accept Your unqualified love. You turn our struggles into stepping stones. We know Your promise is true: You will never leave us or forsake us. You give us strength when we are weak, gracious correction when we fail, and undeserved grace when we need it most. You lift us up when we fall and give us new chances when we are devoid of hope. And just when we think there is no place to turn, You meet us and help us return to You. We say with the psalmist, ''Bless the Lord O my soul, and all that is within me bless His holy name! Bless the Lord, O my soul and forget not all of His benefits.''—Psalm 103:1–2.

Lord our work this day is an expression of our grateful worship. You have called us to lead this Nation. Fill us with Your spirit. Infinite wisdom, we need Your perspective, plan, and purpose. We must make crucial evaluations and decisive decisions. The future of this Nation is dependent on the guidance You give us this day. Thank You for making us wise. In Your holy name. Amen.

Mr. COVERDELL addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from Georgia.

SCHEDULE

Mr. COVERDELL. Mr. President, this morning, the time for the two leaders has been reserved and there will now be a period for morning business until the hour of 10:15 a.m., with Senators to speak for up to 5 minutes each, with the exception of the following: Senator COVERDELL, up to 10 minutes; Senator CAMPBELL, up to 10 minutes; Senator COHEN, up to 10 minutes; Senator THOMAS, up to 5 minutes; and Senator KERREY up to 15 minutes.

At the hour of 10:15 a.m., the Senate will resume consideration of the nomination of Mr. Glickman, to be Secretary of Agriculture, for 10 minutes of debate. At the hour of 10:25, this morning, there will be a 15-minute rollcall vote for the confirmation of the nomination.

Following the rollcall vote, the Senate will resume consideration of H.R. 1158, the supplemental appropriations bill. Senators should, therefore, be aware that, following the 10:25 vote, other rollcall votes can be expected throughout the day's session.

Mr. President, I would like to be recognized according to the order.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. ASHCROFT). Under the previous order, there will now be a period for the transaction of morning business.

The Senator from Georgia is recognized.

THE PRESIDENT'S BUDGET

Mr. COVERDELL. Mr. President, the President was in my State and city yesterday in what was promoted as an economic summit. I think one could take some question with that definition, but we will let that stand.

The day before that, I had an opportunity to come to the Senate floor and to discuss findings of the bipartisan entitlements commission. I specifically referred to one piece of data that just stares at you from that report. It should make every American somber and humble. Because what it essentially says is that within 10 years—historically that is a snap of the finger, Mr. President—within 10 years, all of our U.S. revenues, all of it, are consumed by 5 things; 5 expenditures, 5 out of 1,000—Social Security, Medicare, Medicaid, Federal retirement, and the interest on our debt, and then there is nothing left. There is nothing for the School Lunch Program that we are pointing fingers at each other about. There is not a Defense Department, a road, a canal, a port widening, an Education Department, an agricultural bill, nothing.

Mr. President, this is a calamity that this generation of Americans must confront. I said that it was, in my judgment, a calling so extraordinary to put it in the league of the Founders of the Nation—the fight to keep the Nation united, the fight in Europe. It is of that consequence.

When I hear the President and his administration suggesting that we do not have a problem, I am stunned and appalled—stunned and appalled. To be moving across the country suggesting that everything is a tulip patch, to bring a budget, in the face of the balanced budget amendment and the bipartisan entitlements commission, and to give us a budget that adds $1.4 trillion to the debt, $200 billion in deficits for as far as the eye can see, shows either a total disconnect with what is happening in the country or contempt.

Mr. President, Secretary Rubin said:

> Another way to look at this is that, without the interest the Federal Government pays on the national debt, the Federal budget would now be running a small surplus.

That is like saying, arsenic is OK, if it was not poisonous.

Mr. President, I am told that the President himself, speaking to students at Emory University, said the same thing—that we are really running a surplus here.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Outside of being patently wrong, it is exceedingly damaging for these kinds of messages, in the face of what we are confronting as a people and a nation. That would be like, instead of saying to the Nation, as President Roosevelt did, that this day will live in infamy and charging the Nation for what it had to do—which was not a very pretty picture—to have traveled around the country and saying the world is in pretty good shape, those fellows are really nice guys.

You are robbing the people of the will that is going to be required to meet this test when you tell them things like this—we are actually running a surplus, if it were not for the debt.

And while they are saying this, they have already added $1 trillion in new debt or increased it by 20 percent. The incongruities of this message are befuddling.

But the real damage is if it misleads the American people.

I will give the other side this. We can argue about what priorities are. The priorities that I might feel important may be different from those of the Senator from Minnesota, who was on the floor the other morning while we were talking about these issues of debt. We can argue about what we believe more important or less important. But it is not debatable that the United States is expending moneys it does not have. We are piling debt upon debt. We have spent every dime we have and $5 trillion we do not have, and now we are spending the livelihood of our children and grandchildren and the clock is running out, Mr. President.

Everybody can contemplate 10 years from now. You are either moving into retirement or your children are about ready to go to college or they are looking for a job. They would be staring down the barrel of this great democracy having no revenues left to do anything. That is a serious problem. And it is going to take a serious response. The administration needs to recognize that. They seem to be in denial, sending budgets that accelerate the problem, saying things such as Secretary Rubin has just said here. This is what the President said before Emory University students yesterday, March 29: ''After two years we have a reduction in the deficit of $600 billion for the first time''—much applause, and they would—''this is the first time since the mid-sixties when your Government is running at least an operating surplus.''

An operating surplus, Mr. President? This is just staggering and stunning. So like I said, Mr. President, we have an enormous problem. The clock has run out. It has run out. We cannot pass this baton to anybody else. The living Americans, the caretakers of this great democracy, have it in their lap. We must confront it. We cannot ignore it. And worse, to mislead is so damaging, so harmful, because it is taking the will away. Everybody would much rather hear a rosy story.

I want to say, in conclusion, that my message is not one of gloom. We can turn this around. We can tighten our belts fairly. We can remove the obstacles to an expanding economy. That means get the taxes down, Mr. President, get Government regulation down.

If your prescription for America is to raise taxes, make more Government, and regulate our lives, and in the meantime, tell them messages like this, there is going to be a very serious day of reckoning, a very serious day of reckoning.

Mr. President, I invite the President to an economic debate. I can suggest to him that the empirical evidence is, through all of time, you have to keep taxes down, government down, regulations down, and let people go to work. That is the way to get out of this problem. You do not get there by suggesting to people, in the face of everything, we know that we are running an operating surplus. I yield the floor in total befuddlement.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine is recognized.

(The remarks of Mr. COHEN and Mr. D'AMATO pertaining to the introduction of S. 648 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. LOTT. Mr. President, I ask unanimous consent that I have 10 minutes instead of the previous 5 minutes for morning business.

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

Mr. LOTT. Mr. President, I thank the Chair.

(The remarks of Mr. LOTT pertaining to the introduction of S. 647 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. KERREY. Mr. President, I ask unanimous consent to speak for 15 minutes as in morning business.

The PRESIDING OFFICER. The Senator has that time in the previous order.

Without objection, it is so ordered.

TELECOMMUNICATIONS

Mr. KERREY. Mr. President, last week, the Senate Commerce Committee reported out a piece of legislation, the Telecommunications Competition Deregulation Act of 1995, that I consider to be a very important piece of legislation.

I have come to the floor here this morning, though, to alert my colleagues, who are also interested and excited about this legislation, that I think it would be very unwise for Members to rush the enactment of this bill.

I take that position not because I have major objections to the legislation. Indeed, I have been intimately involved not just with this bill, but 1822 and the farm team coalition that worked it, trying to make certain there would be universal service for high-cost rural areas.

I have been very much involved with the deregulation of telecommunications. I suspect I am the only Member of Congress who is actually able to say I have signed a significant deregulation act in 1985 when I was Governor.

The delay that I am suggesting, Mr. President, comes as a consequence of a very interesting, what I would call, disconnect.

Just last November I finished a successful reelection campaign. In meeting after meeting, in debates and so forth that we have when facing the voters, they were asking me about term limits, balanced budgets, health care, and agriculture policy. Crime, of course, dominated almost every discussion and debate. What are we going to do about crime?

I must say, Mr. President, that never in my campaign did the issue of telecommunications arise.

I say to my colleagues, as important as this legislation is, and I think it is an urgent and exciting opportunity here, the citizens, in my judgment, are not prepared for the change that this legislation would bring to them—significant change.

I suspect the occupant of the Chair can remember in 1983 when the divestiture occurred. I know in Nebraska, if I put it to the voters, do voters want to go back to the old AT&T or do voters like the new divestiture arrangement, a very large percentage would have said, ''Give me the good old days.'' Because, all of a sudden, choice meant confusion, choice meant competition, choice meant a lot of problems that people were not prepared for.

The same, in my judgment, is apt to occur here. I believe that we need to come to the floor and argue such things as access charges, so we not only understand what an access charge is but what happens when the access charges are decreased, understand what happens when something called rate rebalancing occurs at the local level in a competitive environment—which I am an advocate of. Chairman PRESSLER and Senator HOLLINGS deserve an enormous amount of credit for being able to move this bill out of committee.

One of the things I brought in a focused way to this argument was the need to make sure we had straightforward competition at the local level. So when an entrepreneur comes to the information service business and wants to go to a household and sell information, and that entrepreneur buys his lawyers at $50 an hour, he should know with certainty they are going to prevail over a company that buys, at $500 or $1,000 an hour, its lawyers who have regular, familiar contact with the regulators. If we are going to have that competition, we need that level playing field for the entrepreneur. They need to know with certainty they are going to be able to offer their services to the customer as well.

But in a competitive environment, you cannot price your product below cost for very long. That is what we

have been allowing for 60 years, basically. We used to have a competitive environment prior to 1934. The country made a conscious decision at the time that we wanted a monopoly, both at the local and long-distance level. We changed the law in 1934. We created a monopoly arrangement. And, as I said, people, I think, would be hard pressed to argue against the statement that it has resulted in the United States having the best telecommunications system in the world. Though monopolies in general do not seem to work, this particular one did.

We made a good decision, although it was unpopular, in 1983 to divest. The divestiture has worked in the context of providing competition in the long-distance area. We now see rates have gone down. We see increased quality. We see improvement as a consequence of this competitive environment.

But, again, to be clear on this, all of us should understand the implications of the statement that in a competitive environment you cannot price your product below cost for very long. What that means is that if I have a residential line into my home and I am paying $12 a month for that residential line and a business is paying $30 a month for the very same thing, we cannot, as residential users, count on that for long. If the price and the cost to provide that residential service is $14 or $15, we are not going to be able to count for very long on being able to get that service for $12. And many of our rural populations now enjoy $4, $5, $6, $7 a month for basic telephone service.

There are other issues that I think are terribly important for us to bring to this floor under the rules of the Senate, which allow unlimited debate. We need to have a debate. There is tremendous promise in telecommunications, promise for new jobs, particularly in a competitive environment, particularly from those entrepreneurs who are apt to create most of the new jobs. Those individuals who come in as small business people with a great new idea tend to be enormously innovative and competitive when it comes to pricing their good or service. I am excited about what competition is going to be able to do, not just for price and quality, but also for the creation of new jobs in the country.

There is tremendous promise, second, Mr. President, in our capacity to educate ourselves. I give a great deal of praise, again, to Senator PRESSLER and Senator BURNS and Senator ROCKEFELLER and others on the committee who put language in here to carve out special protection for our K–12 environment.

Some will say, why? If it is going to be market oriented, why would you do that? For the moment, at least, our schools are not market-oriented businesses. By that I mean they are government run. At $240 billion a year, about 40 million students at $6,000 apiece have to go to school for 180 days a year and learn whatever it is that the States have decided they are supposed to learn. It is a government-run operation. And they are going to be unable, if property taxes and State sales and income taxes are the source of revenue, they are going to be unable to take advantage of this technology. So I was pleased we carved out provisions for schools in this legislation.

We are going to have to debate how do we get our institutions at the local level to change. It is not going to be enough for us merely to change the Federal regulation, giving them the legal authority to ask their local telephone company for a connect and to get a subsidized rate. There is a need for institutional change, both at the local level and at the State level. There is tremendous promise, in my judgment, in communication technology to help our schoolchildren and to help our people who are in the workplace to learn the things they need to know, not just to be able to raise their standard of living, but also to be able to function well as a citizen and to be able to get along with one another in their communities.

Finally, there is tremendous promise with communication technology in helping a citizen of this country become informed. When you are born in the United States of America or you become a citizen of the United States of America through the naturalization process, it is an extraordinary thing to consider. We are the freest people on Earth. No one really seriously doubts that. And the freedoms that we enjoy as a consequence of being a citizen are very exciting.

But balanced against that, a citizen of this country also has very difficult responsibilities. It is a hard thing to be a citizen, a hard thing. Pick up the newspaper, and if you read a newspaper cover to cover today, you have processed as much information in one single reading as was required in a lifetime in the 17th century. We are getting deluged with information. Suddenly a citizen needs to know where is Chechnya, for gosh sakes? What is the history of Haiti, for gosh sakes? All of a sudden I have to know things that I did not have to know before. To make an informed decision is not an easy thing to do. This technology offers us an opportunity to help that citizen, our citizens—ourselves included, I might add—make good decisions.

That will necessitate institutional change, I believe, at the Federal level, but also at the State level to get that done. This, along with education, along with jobs, and along with the changes that our people can expect to have happen, need a full and open and perhaps even lengthy debate on this floor before we enact what I consider to be a pretty darned good piece of legislation.

The committee finished the bill. They are fine tuning it now. They have not actually introduced it yet or given it a title. I am very appreciative of the fine work that Chairman PRESSLER has done and that Senator HOLLINGS and other members of the committee have done to bring this legislation out. I consider it to be at least as important as many other things that we have debated thus far this year. Indeed, over the course of the next 10 years it is apt to be the most important thing that we do.

Therefore, I believe it is incumbent upon us not to just come here with an urgency to change the law, but it is incumbent upon us to come here and examine the law we propose to change and examine the details of the law as we propose to change them and engage the American people in a discussion of what these changes are going to mean for them.

Again, I have high praise for the committee and look forward and hope we have the opportunity to come to this floor for a good, open, and informative debate for the American people.

Mr. President, I yield the floor and 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. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

THE NOMINATION OF DAN GLICKMAN

Mr. SPECTER. Mr. President, in a few moments we will be voting on confirmation of Dan Glickman to be Secretary of Agriculture. I compliment the President on his nomination for that position. I think that former Congressman Glickman is preeminently well qualified for that position.

I would like to say that I have known Dan Glickman since before he was born because we come from the same town, Wichita, KS. Actually we come from a number of towns; Wichita, KS and Philadelphia, PA. But at various times in my life I have lived in those places, and lived in Wichita. The Specter family and the Glickman family were friends for many, many years. In fact, my father, Harry Specter, was a business associate of Dan Glickman's grandfather, J. Glickman. Maybe that is too high an elevation. Actually, my father borrowed $500 from J. Glickman in about 1936 or 1937 at the start of a junk business. In those days my dad would buy junk in the oil fields of Kansas and ship them in boxcars, and ship them through Glickman Iron and Metal. And J. Glickman got the override on the tonnage. So our family relationship goes back many, many years.

My family left Wichita in 1942, a couple of years before Dan Glickman was born. So that I like to say that I have known Dan since before he was born. But I have certainly have known him for his entire lifetime. I have a very, very high regard for him.

He had a very, very outstanding record as a Member of the House of Representatives from Wichita, KS. He has a very thorough grasp of the agriculture community and farm problems in America; a background that I share to some extent. Russell and Wichita and all of Kansas are in the wheat country, and as a teenager I drove a tractor in the farmland. It is quite an experience to drive a tractor in the harvest, round and round knocking down grain; pulling a combine, again, again, and again. It is a great incentive to become a lawyer, which I did after moving out of Kansas.

But beyond his professional qualifications and his experience, Dan Glickman is a great human being, compassionate, understanding, and will really be able to work with the problems of the American agriculture industry.

Still I think he has a keen eye for budget deficits and cost reductions to fit into the trend of the times as we try to move to balance the Federal budget for the target year 2002.

So I do not know that my colleagues will need too much urging because Dan has such an outstanding record and an outstanding reputation. But I wanted to add these few words in support of his nomination for Secretary of Agriculture.

I thank the Chair. I yield the floor.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

Mr. FAIRCLOTH. Mr. President, I rise to support the nomination of Dan Glickman. I could not help but notice the Senator from Pennsylvania saying that he was driving a tractor and that encouraged him to become a lawyer. Well, I failed to become a lawyer.

But I rise to support the nomination of Dan Glickman as Secretary of Agriculture.

As the distinguished majority leader has indicated, Dan Glickman has an outstanding record on agricultural issues and I am certain that he will serve this Nation well as its Secretary of Agriculture.

As Secretary, I am optimistic that Mr. Glickman will take an even-handed approach to agricultural regulations. Recently, legislation has been introduced which is intended to provide special treatment for a limited class of poultry producers. I am referring to S. 600—the so-called Truth in Poultry Labeling Act of 1995. It is anything but truth in labeling.

This legislation is just one example of the pressures which may be brought to bear on the Department of Agriculture during Mr. Glickman's tenure as Secretary.

I am hopeful that he will not yield to special interests seeking preferential market treatment under the guise of antifraud legislation. If successful, S. 600 would result in significant economic harm to poultry producers across the Nation—so that a limited class of local producers could achieve market dominance.

I hope that as Secretary, Mr. Glickman will send a clear signal that such tactics have no place in the rulemaking procedures of the Department of Agriculture under his leadership or at any other time.

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

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

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that the Founding Fathers, two centuries before the Reagan and Bush Presidencies, made it very clear that it is the constitutional duty of Congress to control Federal spending.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,851,857,494,143.63 as of the close of business Wednesday, March 29. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $18,417.06.

JOHN SILBER ON THE ARTS IN AMERICA

Mr. KENNEDY. Mr. President, in a thoughtful article in the Boston Globe entitled "Funding the Arts Enriches the Nation," John Silber, president of Boston University, provides an eloquent reminder of the importance of the arts to the spirit of our Nation. President Silber effectively rebuts the negative myths about the National Endowment for the Arts and states the necessity and desirability of continued funding of the arts. NEA represents only one-half of 1 percent of the Federal budget. The program it funds and disseminates to neighborhoods and communities across America are eminently deserving of this moderate level of Federal support.

I commend this article to my colleagues and I ask unanimous consent that it may be printed at this point in the RECORD.

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

[From the Boston Globe, Mar. 20, 1995]

FUNDING THE ARTS ENRICHES THE NATION

(By John Silber)

The 104th Congress has brought with it an open season on federal support for culture. Members of the congressional leadership have proposed defunding public broadcasting, and two former heads of the National Endowment for the Humanities testified that it ought to be terminated and advised the same fate for the National Endowment for the Arts.

The most common charge made against public broadcasting is bias toward the left, and those who would impose a death sentence on two endowments continually trot out the same horror stories.

With regard to the NEA, the cases in point are some items in an exhibit of Robert Mapplethorpe's photographs, an alleged work of art called "Piss Christ" by Andres Serrano and a piece of blood-spattered performance art by Ron Athey.

The NEH has subsidized a ludicrously tendentious set of standards for the teaching of history and has funded the Modern Language Association, the professional association of literary scholars, as it deconstructs into vulgarity and irrevelence.

These genuine horror stories are not so much the doing of the endowments as irrepressible eruptions of contemporary culture. It is very likely they would have occurred without government subsidy. We live, after all, in an age when John Cage was taken seriously as a composer.

But these are only the horror stories. The solid achievements of the endowments are ignored in favor of their few sensational mistakes.

The NEA has provided startup funds for a vigorous movement of regional theaters and enriched the musical life in the nation through the support of orchestras and other performance groups. The NEH has, among other activities, supported some of the most distinguished programs on public television, such as "Masterpiece Theatre" and "The Civil War."

Such successes have enriched the intellectual and artistic life of millions of Americans, and they have been far more influential than the comparatively few failures.

Nor is it true that PBS is, as a whole, a liberal enclave. There are, of course programs on PBS made from a liberal perspective and sometimes this perspective amounts to a bias that distorts reality. But PBS is also studded with programs produced from a conservative perspective.

And the great majority of PBS programs are about as free of ideology as is humanely possible. Consider one recent case, a history of the Cold War called "Messengers from Moscow." The final episode of the series was made up largely of interviews with Soviet politicians, bureaucrats and generals. Most of them agreed that the Soviet Union had been a fraud, and that the US challenge, orchestrated largely by Ronald Reagan, had brought the Soviet system down and made them see reality.

Jimmy Carter appeared as the man who first terrified the Soviets by considering the neutron bomb, and then was snookered into abandoning it by a massive propaganda assault. A Russian general explained that had the neutron bomb been deployed, the Soviet strategy of overwhelming NATO with tanks would have been rendered useless.

This politically incorrect program was produced by a PBS station with major funding from the NEH. It is representative of federally subsidized culture at its objective best, and it is impossible to imagine it on commercial television.

If we extended the standard of perfection now being applied to PBS and the endowments to other institutions, we should have long ago terminated the Congress, the State Department, the presidency and every known agency of government. In addition we should have eliminated all hospitals, schools, colleges and universities and dealt with all churches as Henry VIII dealt with the monasteries of England.

The NEA has frequently endorsed the motion that the sole duty of art is to provoke and outrage. Great art will, sometimes, do exactly that. But that is a consequence, not an end. Monet outraged many of the bourgeoisie, but that was not his intention, only a result of the impact his vision of light had on people raised on a diet of academic realism.

Public broadcasting and the Endowments consume only 1/50th of 1 percent of the federal budget. By helping to preserve and disseminate culture they have contributed value far exceeding their modest funding. Terminating these useful agencies on the basis of a few sensational mistakes will do little to balance the budget but will deprive the country of much value.

CENSORING CYBERSPACE

Mr. LEAHY. Mr. President, I rise today to speak about legislation that would impose Government regulation on the content of communications transmitted over computer networks.

Ironically, this legislation was accepted without debate by the Commerce Committee as an amendment to a draft telecommunications bill whose purported purpose is to remove regulation from significant parts of the telecommunications industry.

It is rumored that this matter could be headed for consideration by the Senate on Monday, although the bill has yet to be introduced and the Commerce Committee has yet to issue its report on the measure.

There is no question that we are now living through a revolution in telecommunications with cheaper, easier to use and faster ways to communicate electronically with people within our own homes and communities, and around the globe.

A byproduct of this technical revolution is that supervising our children takes on a new dimension of responsibility.

Very young children are so adept with computers that they can sit at a keypad in front of a computer screen at home or at school and connect to the outside world through the Internet or some other online service.

Many of us are, thus, justifiably concerned about the accessibility of obscene and indecent materials online and the ability of parents to monitor and control the materials to which their children are exposed.

But Government regulation of the content of all computer communications, even private communications, in violation of the first amendment is not the answer—it is merely a knee-jerk response.

Although well-intentioned, my good friend from Nebraska, Senator EXON, is championing an approach that I believe unnecessarily intrudes into personal privacy, restricts freedoms, and upsets legitimate law enforcement needs.

He successfully offered the Commerce Committee an amendment that would make it a felony to send certain kinds of communications over computer networks, even though some of these communications are otherwise constitutionally protected speech under the first amendment.

This amendment would chill free speech and the free flow of information over the Internet and computer networks, and undo important privacy protections for computer communications. At the same time, this amendment would undermine law enforcement's most important tool for policing cyberspace by prohibiting the use of court-authorized wiretaps for any digital communications.

Under this Exon amendment, those of us who are users of computer e-mail and other network systems would have to speak as if we were in Sunday school every time we went online. I, too, support raising our level of civility in communications in this country, but not with a Government sanction and possible prison sentence when someone uses an expletive.

The Exon amendment makes it a felony punishable by 2 years' imprisonment to send a personal e-mail message to a friend with obscene, lewd, lascivious, filthy or incident words in it. This penalty adds new meaning to the adage, ''Think twice before you speak.''

All users of Internet and other information services would have to clean up their language when they go online, whether or not they are communicating with children.

It would turn into criminals people, who in the privacy of their own homes, download racy fiction or indecent photographs.

This would have a significant chilling effect on the free flow of communications over the Internet and other computer networks. Furthermore, banning the use of lewd, filthy, lascivious or indecent words, which fall under constitutional protection, raises significant first amendment problems.

Meanwhile, the amendment is crafted to protect the companies who provide us with service. They are given special defenses to avoid criminal liability. Such defenses may unintentionally encourage conduct that is wrong and borders on the illegal.

For example, the amendment would exempt those who exercise no editorial control over content.

This would have the perverse effect of stopping responsible electronic bulletin board system [BBS] operators from screening the boards for hate speech, obscenity, and other offensive material. Since such screening is just the sort of editorial control that could land BBS operators in jail for 2 years if they happened to miss a bit of obscenity put up on a board, they will avoid it like the plague. Thus, this amendment stops responsible screening by BBS operators.

On the other hand, another defense rewards with complete immunity any service provider who goes snooping for smut through private messages.

According to the language of the amendment, online providers who take steps to restrict or prevent the transmission of, or access to obscene, lewd, filthy, lascivious, or indecent communications are not only protected from criminal liability but also from any civil suit for invasion of privacy by a subscriber. We will thereby deputize and immunize others to eavesdrop on private communications.

Overzealous service providers, in the guise of the smut police, could censor with impunity private e-mail messages or prevent a user from downloading material deemed indecent by the service provider.

I have worked hard over my years in the Senate to pass bipartisan legislation to increase the privacy protections for personal communications over telephones and on computer networks.

With the Exon amendment, I see how easily all that work can be undone—without a hearing or even consideration by the Judiciary Committee, which has jurisdiction over criminal laws and constitutional matters such as rights of privacy and free speech.

Rather than invade the privacy of subscribers, one Vermonter told me he would simply stop offering any e-mail service or Internet access. The Physician's Computer Co. in Essex Junction, VT, provides Internet access, e-mail services, and medical record tracking services to pediatricians around the country.

The President of this company let me know that if this amendment became law, he feared it would cause us to lose a significant amount of business. We should be encouraging these new high-technology businesses, and not be imposing broad-brush criminal liability in ways that stifle business in this growth industry.

These efforts to regulate obscenity on interactive information services will only stifle the free flow of information and discourage the robust development of new information services.

If users realize that to avoid criminal liability under this amendment, the information service provider is routinely accessing and checking their private communications for obscene, filthy, or lewd language or photographs, they will avoid using the system.

I am also concerned that the Exon amendment would totally undermine the legal authority for law enforcement to use court-authorized wiretaps, one of the most significant tools in law enforcement's arsenal for fighting crime. The Exon amendment would impose a blanket prohibition on wiretapping digital communications. No exceptions allowed.

This means the parents of a kidnapping victim could not agree to have the

FBI listen in on calls with the kidnapper, if those calls were carried in a digital mode. Or, that the FBI could not get a court order to wiretap the future John Gotti, if his communications were digital.

Many of us worked very hard over the last several years and, in particular, during the last Congress, with law enforcement and privacy advocates to craft a carefully balanced digital telephony law that increased privacy protections while allowing legitimate law enforcement wiretaps. That work will be undercut by the amendment. Our efforts to protect kids from online obscenity need not gut one of the most important tools the police have to catch crooks, including online criminals, their ability to effectuate court-ordered wiretaps.

The problem of policing the Internet is complex and involves many important issues. We need to protect copyrighted materials from illegal copying. We need to protect privacy. And we need to help parents protect their children.

I have asked a coalition of industry and civil liberties groups, called the Interactive Working Group, to address the legal and technical issues for policing electronic interactive services. Instead of rushing to regulate the content of information services with the Exon amendment, we should encourage the development of technology that gives parents and other consumers the ability to control the information that can be accessed over a modem.

Empowering parents to control what their kids access over the Internet and enabling creators to protect their intellectual property from copyright infringement with technology under their control is far preferable to criminalizing users or deputizing information service providers as smut police.

Let's see what this coalition comes up with before we start imposing liability in ways that could severely damage electronic communications systems, sweep away important constitutional rights, and undercut law enforcement at the same time.

We should avoid quick fixes today that would interrupt and limit the rapid evolution of electronic information systems—for the public benefit far exceeds the problems it invariably creates by the force of its momentum.

JENNIFER HARBURY

Mr. LEAHY. Mr. President, imagine a government, a democracy, whose officials withheld information about its involvement in the death of one of its citizens, and lied about its knowledge of the torture and death in a secret prison of the spouse of another of its citizens.

Imagine if at least one of the people connected to those atrocities had been trained by that government, paid by that government, and continued to receive payments of tens of thousands of tax dollars even after the government knew of his crime.

It would be bad enough if I were talking about a foreign government, but I am not. I am talking about the United States, where an American citizen, Jennifer Harbury, practically had to starve herself in order to get her government to admit that it had information about the fate of her husband, Efrain Bamaca, who disappeared in Guatemala in 1992.

Ms. Harbury fasted for 32 days before she was told that, contrary to what she, I and other Senators had been told by both the Guatemalan Government and the State Department, her husband had been captured by the Guatemalan army and tortured.

The Guatemalan army, many of whose members were trained in the United States at the School of the Americas, claimed Mr. Bamaca had shot himself. Then, when it turned out that someone else was in the grave where they said he was buried, they denied he had ever been captured.

Then they tried to discredit Ms. Harbury, who unfortunately for them was not intimidated. Two years ago a witness told her that her husband had been captured alive and tortured, but she could not prove it and the administration did little to find the truth until the press stories about her hunger strike became too embarrassing.

Even today, the Guatemalan army denies it captured Bamaca, and the Guatemalan Government says it has no information about his fate even though it has had the information for at least a month.

Mr. President, I was sickened, as were we all, by the murder of the Jesuit priests in El Salvador, by soldiers trained in the United States. Almost as bad was the attempt of the Salvadoran army, including the Minister of Defense who for years had been coddled by American officials, to cover up its involvement in that heinous crime and so many other atrocities there.

But here we have a situation where the CIA, presumably believing by some twisted logic that it was furthering some national interest, reportedly paid a Guatemalan colonel, probably one of many, who it believed was involved in torture and murder.

The CIA continued its payments to Colonel Alpirez even after it had information about his connection with the murder of an American citizen, Michael DeVine.

According to reports, the CIA sent millions of dollars to the Guatemalan military even after the Bush administration cut off military aid on account of the Guatemalan military's cover-up of the DeVine murder.

I remember that, Mr. President, because I was among those who urged the cut-off of aid, and I was assured by the State Department that it had been cut off. Now we learn that was false, because the CIA was secretly keeping the money flowing.

The CIA withheld information about Colonel Alpirez' involvement in the DeVine and Bamaca murders, even while President Clinton and State Department officials were saying publicly that the U.S. Government had no information.

And now we have reports that the U.S. Army and the National Security Agency not only may have known about those murders, but may have recently tried to conceal their involvement by shredding documents.

Mr. President, that is deplorable. What national interest does that serve? What is served by the CIA withholding information from the President of the United States? What message does it send, for our Ambassador to be telling the Guatemalan army how much we value democracy and human rights, when the CIA is paying them to commit torture and murder, and to betray their own Government?

Those soldiers knew there were criminals in their own ranks who were on our payroll, while our Ambassador was making lofty speeches about human rights.

The State Department said it had stopped aid to the Guatemalan military to send a message about the murder of Michael DeVine, while the CIA was subverting that policy by paying them under the table. What national interest did that serve?

You would have thought we learned our lesson after so many similar episodes during the 1980's in Central America, but obviously the CIA never did. It orchestrated the overthrow of the Guatemalan Government in 1954. During the Reagan years, the CIA repeatedly behaved like it was above the law, and apparently little has changed. Even when the sordid truth came out, the CIA's response was that it had not known about Colonel Alpirez' involvement at the time the crimes occurred. What a typical, feeble attempt to hide its own responsibility during the years since.

Mr. President, our goals in Central America today should be unambiguous. They are democracy, human rights, civilian control of the armed forces, and economic development for all people. Absolutely no national interest is served by subverting those goals.

Before we lecture the Guatemalans about democracy and human rights, maybe we should pay attention to what is going on in our own country. I am very encouraged by reports that President Clinton has a governmentwide review of these allegations, and has said that anyone who intentionally withheld information will be dismissed. That would send a strong message that there is a price for this kind of outrageous behavior.

I am also pleased that the White House has ordered that all documents relating to these allegations be preserved. I only wish someone had thought to do that weeks or months ago.

Jennifer Harbury has been trying to get the facts about her husband ever since she learned for sure that he was captured alive. She still does not know when her husband died, how he died, who killed him and what was done with his body. She is like the widows and mothers of tens of thousands of other Guatemalan victims of the army's brutality and impunity, but at least one would hope that her own Government would give her whatever information it has that might lead to answers.

Any information concerning the fate of Ms. Harbury's husband should be promptly turned over to her.

Mr. President, the deaths of Michael DeVine and Efrain Bamaca are but two examples of the tragic consequences of many disgraceful relationships our intelligence agencies have cultivated in Central America. They have given money and protection to the worst criminals. They have withheld information from the White House, the State Department and the Congress, and from American citizens who are the victims of their intrigues. They have even behaved like criminals themselves.

What is this intelligence for? It causes the murder of innocent people. It corrupts. It obstructs justice. It is contrary to our policy. There is no national interest in that.

Mr. President, with a new director of intelligence about to take office, it is long past time to take whatever steps are necessary, and I mean whatever steps, to ensure that this kind of activity stops once and for all. People paid by the CIA should be warned that they will not be shielded if they commit murder or other gross violations of human rights. And the Congress should have prompt access to information from any government agency about the fate of American citizens or their relatives. If the law needs to be changed to make that happen, then let us change the law.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF DANIEL ROBERT GLICKMAN, OF KANSAS, TO BE SECRETARY OF AGRICULTURE

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session to consider Executive Calendar No. 50, the nomination of Daniel Robert Glickman to be Secretary of Agriculture.

The clerk will report the nomination.

The legislative clerk read the nomination of Daniel Robert Glickman, of Kansas, to be Secretary of Agriculture.

The PRESIDING OFFICER. Under the previous order, there will now be 10 minutes of debate equally divided in the usual form.

The Chair recognizes the Senator from Indiana.

Mr. LUGAR. I thank the Chair.

Mr. President, I support the nomination of Dan Glickman to be Secretary of Agriculture. Mr. Glickman is a former chairman of the House Intelligence Committee and was, for 18 years a highly respected member of the House Agriculture Committee. Senators involved in agricultural debates and conferences with the House know Dan Glickman as a conscientious, studious, and thoughtful legislator.

Mr. Glickman will begin his tenure at an important moment in the Agriculture Department's history. USDA is among the largest Federal Departments. It comprises agencies that oversee national forests, administer the School Lunch Program, distribute food stamps, and provide agricultural supports.

In essence, 43 branches of USDA will be consolidated into 29 under the reform legislation adopted by the Congress last year. Thus, USDA is in need of strong leadership and direction at this moment. It requires active management by a Secretary who is knowledgeable, engaged, and assertive. Only in this way can the Department effectively implement its much needed reorganization. Only through vigorous leadership can the Department guide the development of the 1995 farm bill. The omnibus legislation we are about to consider in Congress will reauthorize many of USDA's programs. So far, the administration has made no proposals to the Congress detailing its views on what should be in that farm bill.

The nominee has stated that he will become involved immediately in developing administration positions on the farm bill. Senate hearings on the subject have already commenced. It is important that the new Secretary be confirmed promptly.

Mr. Glickman appeared before the Agriculture Committee of the Senate on March 21 and his nomination was favorably reported on March 23 by a unanimous vote. He answered Senators' questions on a wide variety of topics and was presented to the committee by our distinguished majority leader, Senator DOLE; the chairman of the Labor and Human Resources Committee, Senator KASSEBAUM; and the chairman of the House Agriculture Committee, Mr. Roberts. All of these distinguished Kansas legislators spoke highly of him.

In his responses to Senators' questions, Mr. Glickman was forthright and thoughtful. He and I do not agree on every issue, but we expect to work together cordially and cooperatively even when we have differences. I anticipate that there will be many more areas of agreement than disagreement.

Dan Glickman should be confirmed by the Senate as Secretary of Agriculture, and I urge my colleagues to vote for his nomination.

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. LUGAR. 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. GRASSLEY. Mr. President, I rise today in support of the nomination of Dan Glickman for the position of Secretary of Agriculture. Mr. Glickman is uniquely qualified to lead the Department of Agriculture through this vital time in its history.

For the first time in my career serving in Congress, the very existence of the farm programs is being debated. In past farm bill debates, we have vigorously debated the content and substance of the farm program. But this year we are debating whether any type of farm program is justified.

Some in the agricultural community view this debate as an assault on the traditional way of providing for a stable food supply and a strong agriculture sector. I view this debate as an opportunity to make our case for agriculture. Agriculture contributes 16 percent to this country's gross national product. The United States continues to export more agriculture products than it imports. So in a time when the United States suffers from a substantial trade deficit, agriculture continues to enjoy a trade surplus.

Dan Glickman is well qualified to argue the case in favor of continuing the farm programs. Others have spoken of Mr. Glickman's 18 years in Congress and his work on three prior farm bills. While representing the Fourth Congressional District in Kansas, Mr. Glickman was a champion for the wheat and feed grains programs. Mr. Glickman knows the details of the farm programs, and more importantly, he understands why the country needs to provide a safety net for the family farm system.

I would like to address one issue that Dan has championed from his first days in Congress, an issue in which I also strongly believe. One of the first bills Dan introduced in Congress was a bill to promote the increased use of ethanol, a form of fuel manufactured with the use of corn. From his first days in Congress, Dan advocated the use of alternative fuels in order to promote new uses of agricultural products and promote national security interests by reducing the U.S. dependency on foreign oil. Later, Dan served on the National Alcohol Fuels Commission where he continued to support this vital cause. I urge him to continue to work hard for the interests of alternative uses of agricultural products, and specifically the increased use of ethanol.

Another issue that I would like to urge Dan Glickman to focus on in his

term as Secretary is foreign trade. As I stated earlier, agriculture enjoys a trade surplus. Furthermore, the early evidence indicates that farmers have greatly benefited from recent free-trade agreements such as GATT and NAFTA. I understand that Mr. Glickman's record has been supportive of agricultural trade, although he felt it necessary to vote against the GATT for other reasons. I would just urge Mr. Glickman to do everything within his authority to open new markets for U.S. agricultural exports. As chairman of the Finance Subcommittee on International Trade, I would be happy to work with him on this endeavor.

In closing, I would reiterate my support for the nomination of Daniel Glickman for Secretary of Agriculture and look forward to working with him in his new position.

Mr. LEVIN. Mr. President, I am pleased that the President has nominated and the Senate is about to confirm former Congressman Dan Glickman as the new Secretary of Agriculture. He has an encyclopedic knowledge of U.S. and international agriculture and the U.S. Department of Agriculture. He will make an excellent addition to the Cabinet. I strongly support his confirmation.

Secretary Glickman and I had a chance to talk recently about Michigan's agricultural picture. I did not have to spend a lot of time impressing him with my knowledge of the vibrancy and diversity of the agriculture sector in Michigan. He was already familiar with it, as he had the good fortune to attend college in Michigan.

Mr. President, I look forward to working with the new Secretary to promote and legislate wise agricultural policy and continuing his predecessor's efforts to improve efficiency at the Department in the coming years. I am particularly looking forward to working with him and the Department on promulgating a Federal marketing order for tart cherries, and getting some of Michigan's most abundant crops and agricultural products, like tart cherries, into the School Lunch Program.

The PRESIDING OFFICER. The question now occurs on the confirmation of the nomination of Daniel Robert Glickman, to be the Secretary of Agriculture.

Mr. LUGAR. Mr. President, I ask for the yeas and nays on the nomination.

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 is, will the Senate advise and consent to the nomination of Daniel Robert Glickman, of Kansas, to be Secretary of Agriculture? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Alabama [Mr. SHELBY] is necessarily absent.

I also announce that the Senator from Kansas [Mrs. KASSEBAUM] and the Senator from Minnesota [Mr. GRAMS] are absent due to a death in the family.

Mr. FORD. I announce that the Senator from North Dakota [Mr. CONRAD], the Senator from North Dakota [Mr. DORGAN], and the Senator from New Jersey [Mr. BRADLEY] are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota [Mr. DORGAN] and the Senator from North Dakota [Mr. CONRAD] would eacy vote ''aye.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 120 Ex.]

YEAS—94

Abraham	Ford	McCain
Akaka	Frist	McConnell
Ashcroft	Glenn	Mikulski
Baucus	Gorton	Moseley-Braun
Bennett	Graham	Moynihan
Biden	Gramm	Murkowski
Bingaman	Grassley	Murray
Bond	Gregg	Nickles
Boxer	Harkin	Nunn
Breaux	Hatch	Packwood
Brown	Hatfield	Pell
Bryan	Heflin	Pressler
Bumpers	Helms	Pryor
Burns	Hollings	Reid
Byrd	Hutchison	Robb
Campbell	Inhofe	Rockefeller
Chafee	Inouye	Roth
Coats	Jeffords	Santorum
Cochran	Johnston	Sarbanes
Cohen	Kempthorne	Simon
Coverdell	Kennedy	Simpson
Craig	Kerrey	Smith
D'Amato	Kerry	Snowe
Daschle	Kohl	Specter
DeWine	Kyl	Stevens
Dodd	Lautenberg	Thomas
Dole	Leahy	Thompson
Domenici	Levin	Thurmond
Exon	Lieberman	Warner
Faircloth	Lott	Wellstone
Feingold	Lugar	
Feinstein	Mack	

NOT VOTING—6

Bradley	Dorgan	Kassebaum
Conrad	Grams	Shelby

So the nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be notified of this action.

Mr. LUGAR. Mr. President, 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.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

The PRESIDING OFFICER. The clerk will report the pending business.

The bill clerk read as follows:

A bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Hatfield amendment No. 420, in the nature of a substitute.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, I believe we were proceeding under a unanimous-consent agreement reached yesterday relating to the Daschle amendment being laid down at this time. Has that been vitiated?

The PRESIDING OFFICER. It has not.

Mr. HATFIELD. Mr. President, I ask unanimous consent that be vitiated at this moment, on the basis that Senator DASCHLE would like to take another opportunity to present his amendment.

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

Mr. HATFIELD. Mr. President, let me just briefly outline the status of this bill, where we are.

I need not say that there are many amendments that we are aware of that have been indicated that many wish us to consider. I will say to the authors of each of those amendments that we are ready to consider those amendments and will be happy to do so.

I have checked with the Republican leader and the Republican leader has indicated support for the matter of pushing this bill to completion today. I say today, and possibly tomorrow—but tomorrow will be 12:01 a.m. onward, not beginning at 10 o'clock tomorrow, if we have to push it over. We are going to continue this bill through the night, if necessary into the a.m., in order to complete this bill.

So, consequently I think everyone ought to be on notice that the time agreements that everyone has been so cooperative on thus far, in reaching time agreements—we would like to be able to consider every amendment and we will consider every amendment, hopefully with some time agreement for each one.

I just make that comment because we must complete this bill tonight. We are, at the same time, I say to my colleagues, functioning on about eight subcommittees in conference on the first appropriations bill. We are doing that right now.

So we will accommodate each Member if we can have a little ''heads up'' as to the content of your amendments, so we may have the subcommittee chairmen present on the floor when you offer your amendment in order to engage in discourse. Those subcommittee chairmen are now with the House committee chairmen, working out the first supplemental appropriations bill. So give us a few moments in order to secure their presence on the floor to take up and discuss your particular amendment.

If it would be possible, I would like to have the listing, so we can get a little ''heads up'' ourselves, of what to expect

in terms of amendments. So I ask Members to give us that opportunity to know the content and therefore identify the subcommittee. We have our staff of these subcommittees here to assist, to expedite the whole process. We are happy to work with them.

So with that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask the manager of the bill, the Senator from Oregon, if it is appropriate to send an amendment to the desk. He indicates it is.

AMENDMENT NO. 426 TO AMENDMENT NO. 420

(Purpose: To restore funding for programs under the Community Services Block Grant Act)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. DASCHLE, and Mr. SIMON, proposes an amendment numbered 426 to amendment No. 420.

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

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

The amendment is as follows:

On page 14, line 19, strike ''$100,000,000'' and insert ''$113,000,000''.

On page 31, line 9, strike ''$26,988,000'' and insert ''$13,988,000''.

Mr. BINGAMAN. Mr. President, I offer this amendment on behalf of myself and Senators DASCHLE and SIMON. It is an amendment to restore the funding for the Community Services Block Grant for homeless assistance. This funding, which flows through the States to community action agencies, accomplishes many badly needed services throughout the Nation. It is my understanding it is particularly important in addressing the problem of homelessness because it is one of the few sources of funds that can be used to prevent homelessness before it occurs. It can and is, however, used in a variety of ways by the different States.

In my home State of New Mexico, for example, this funding was used to help over 260 families and individuals last year in cases in which at least one family member had a job but could not yet obtain housing without assistance.

Grants were made to help these families make one-time deposits for utilities or for rent. The assistance helped provide the stability of a permanent home and thus helped to ensure that the persons assisted would be able to keep their jobs and stay out of homelessness.

This sort of help is especially important in States—like New Mexico—which have a shortage of transitional housing because most shelters have time limits on the time that one could stay there. Families could face constant relocation while they save for the necessary deposits to move into a permanent living situation.

In New Mexico this use has proven to be cost effective. The average one-time grant under this program has been about $500. While the cost to house and feed a single individual has been at least $600 a month in my State, a family would be more expensive, of course, to house and to feed.

Other States do equally good things with this homeless assistance funding. Massachusetts, for example, in addition to paying for rent deposits, also used funding of this type last year to prevent evictions, to prevent utility shutoff, to purchase blankets and heaters, provide counseling to children in domestic violence situations involved with the homeless. The other States have accomplished other worthy purposes with this relatively small amount of funding.

Mr. President, it appears to me that this block grant program which benefits the neediest in our society is exactly the sort of program that many of our colleagues, particularly on the House side but here in the Senate as well, have been arguing for. It flows the money through to the States, and allows the States to dedicate it as they think it should be dedicated within the larger framework of homeless assistance.

It is particularly surprising to me that it is one of the programs that has fallen victim to the present budget-cutting efforts under the pretense that we need to make this cut in order to meet the emergency needs in California from the last earthquake or the last flood. I believe that we need to restore this funding. Many States such as mine have not yet completed the fiscal year 1995 funding application procedure.

Let me go through the list of States that will be hurt if this rescission is allowed to stand. These are the States that have not yet filed their application for funding in this fiscal year. They are still working on that application. They still hope to access these funds for their homeless populations. The States that stand to gain from the restoration of these funds and from the adoption of my amendment are Arkansas, California, Connecticut, Delaware, the District of Columbia, Georgia, Iowa, Kansas, Maryland, Massachusetts, Mississippi, New Jersey, my home State of New Mexico, North Dakota, Ohio, Oregon, Puerto Rico, Rhode Island, Virginia, Washington, and Wyoming.

Mr. President, other States, in addition to this list, may also face funding cuts as a result of the rescission that is proposed in the bill if we do not adopt my amendment. There is no doubt in my mind that the rescission is likely to result in increased human suffering that can easily be prevented or reduced through programs like the one we have in New Mexico if we just continue the funding for the program.

I would like to briefly mention the offset because I know there is a great concern which I share that we find offsets in these various areas. I have offered to restore this funding, this $13 million that is involved here. The Defense environmental restoration and waste management fund, as noted by the committee itself in its report on this legislation, has a very large amount of unobligated funding in a total program of $5 billion. Furthermore, a special commission, the Galvin Commission, has found that this money is not accomplishing its mission in an efficient manner and that we as a country, and the Department of Energy more specifically, should delay or modify this planned expenditure of funds.

I will read a very short excerpt from the so-called Galvin Report on Alternative Futures for the Department of Energy National Laboratories. On page 30 of that report in talking about various environmental cleanup activities funded under this pot of money that I am going to get the $13 million from, the Galvin Commission said:

> Other activities should be delayed or modified so as to await more effective and less costly technologies.

Mr. President, what we are proposing here in this offset is taking $13 million out of a combined fund of approximately $5 billion, or essentially one-third of 1 percent. It is a mere drop in the bucket compared to the total funding flow. The committee itself has recognized that $100 million should be taken out of that. This amendment would simply increase that rescission from $100 million to $113 million so that we could go ahead and use the funds for homeless assistance, as we had planned to do when we authorized and appropriated funds last year. Although that $13 million will be a mere drop in the bucket of the Defense environmental restoration and waste management fund, it is two-thirds of the total 1995 funding for the CSBG homeless assistance program.

Mr. President, I think that fairly accurately describes what my amendment does. I think it is an excellent amendment. I urge my colleagues to support it. I think that the shift of funds to this purpose and the maintenance of effort in this purpose is essential.

I conclude my remarks at this point and reserve any time. I believe there is a time limit. Mr. President, let me ask if we are operating under a time limit at this time.

The PRESIDING OFFICER (Mr. INHOFE). I advise the Senator from New Mexico that there is no time limitation.

Mr. BINGAMAN. In view of that, Mr. President, I yield the floor. I urge my colleagues to adopt the amendment.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I am very happy to accept the amendment.

Mr. BINGAMAN. Mr. President, could I address a question to the Chair for information from the chairman of the committee?

I would just want to know. My main concern—and I appreciate the offer and willingness to accept the amendment very much—I am anxious that the Senate prevail in the conference with the House. And for that reason, it has been my intention to go ahead and have a rollcall vote on this matter so as to make clear that the Senate feels strongly about this. I ask the Senator from Oregon if he thinks that is the appropriate course to follow.

Mr. HATFIELD. Mr. President, in response to the question, I urge the Senator not to follow that procedure on the basis that we can expedite these amendments, especially ones like Senator WELLSTONE's amendment yesterday on his priority for children. We reached an agreement on that. I think I can base that on the fact that this bill we have before us has made some major changes as to what we received from the House of Representatives. We have spent less dollars in this bill, and we have rescinded fewer dollars. But we have moved those rescissions from some programs of less personal need of character to programs of need. We demonstrated that as a part of our creation of this bill—everything from children's needs to homeless needs to low-income energy assistance to student aid.

So I say to the Senator that the amendment fits compatibly to the basic structure of this particular bill. Any Senator can ask for a rollcall. I am not suggesting that I can prevent that. I could not if I wanted to. But nevertheless I urge the Senator let us accept this amendment as a part of a Senate version of a rescission and supplemental for FEMA.

Mr. BINGAMAN. Mr. President, I have great respect for the Senator from Oregon. If he is confident with the Senate position with regard to this, I know that the $13 million rescission in this homeless assistance was also adopted by the House. Since we would not be adopting the rescission, I think it is very important that we would go to conference intending to prevail on that issue. If I have the assurance of the Senator from Oregon that he believes that will happen without a rollcall vote, then I will defer to him.

Mr. HATFIELD. I say to the Senator that there is a pattern in handling a bill of this kind that you have seen operate on the floor; that is, to move to table amendments. I do not know how that vote will turn out. But that is sort of our option. I would much rather see this amendment merged with the bill giving us further leverage with the House in terms of our conference and trading and what have you that has to go on to find a consensus, and I do not want to make a motion to table such an amendment because I think it has validity.

Mr. BINGAMAN. Based on that assurance, Mr. President, I will not ask for a rollcall vote at this time and allow the amendment to be voice voted. I urge all my colleagues to support it. I think it is a major improvement in the legislation, and hope it will be adopted.

The PRESIDING OFFICER. The question is on agreeing to amendment of the Senator from New Mexico.

The amendment (No. 426) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BINGAMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I thank the Senator from New Mexico.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 427 TO AMENDMENT NO. 420

(Purpose: To require congressional approval of aggregate annual assistance to any foreign entity using the exchange stabilization fund established under section 5302 of title 31, United States Code, in an amount that exceeds $5 billion)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New York [Mr. D'AMATO], for himself, Mr. DOMENICI, Mr. STEVENS, Mr. HELMS, Mr. BROWN, Mr. SHELBY, Mr. FAIRCLOTH, Mr. MURKOWSKI, Mr. GRAMS, and Mr. PRESSLER, proposes an amendment numbered 427 to amendment No. 420:

At the appropriate place, insert the following new section:

SEC. . CONGRESSIONAL APPROVAL OF CERTAIN FOREIGN ASSISTANCE.

(a) IN GENERAL.—Section 5302(b) of title 31, United States Code, is amended by adding at the end the following: "Except as authorized by an Act of Congress, the Secretary may not take any action under this subsection with respect to a single foreign government (including agencies or other entities of that government) or with respect to the currency of a single foreign country that would result in expenditures and obligations, including contingent obligations, aggregating more than $5,000,000,000 with respect to that foreign country during any 12-month period, beginning on the date on which the first such action is or has been taken.".

(b) EFFECTIVE DATE.—Notwithstanding any other provision of this Act, the amendment made by subsection (a) shall apply to any action taken under section 5302(b) of title 31, United States Code, on or after January 1, 1995.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I have proposed hundreds of amendments. On very few occasions have I not asked that the clerk dispense with the reading of the amendment. But this time I wanted the clerk to read the entire amendment because it is rather concise. It says that we shall not permit more than $5 billion of our taxpayers' funds to be utilized for a loan program or to be given or made available to any foreign country without the approval of the Congress of the United States, without the approval of the people of the United States.

What we have taking place is one of the most incredible, most dismaying abdications of our constitutional responsibility as Members of the Congress. As well-intentioned as the Mexican bailout may be—and I do not question the motivations of those in the administration—as much as we might want to help a neighbor, we have a system of laws in this country that requires the authorization and the appropriation and the expenditure of money be approved by the Congress of the United States.

Now we have a fiction. A fiction has been created as it relates to the establishment of the Exchange Stabilization Fund which came into being when the United States moved from the gold standard. So as to be able to protect our currency against currency fluctuations, this fund was established and great authority was given to the Secretary of the Treasury. As a matter of fact, he could not be second-guessed as it related to the utilization of this fund to protect the American dollar. Congress could not intrude. Congress could not second-guess. He was given that authority, and that is as it should be.

However, even in the Treasury Department, its memorandum as it relates to the utilization of these funds states quite clearly that these funds cannot be used for loan or aid programs—page 6. And I will ask permission to be able to submit that letter from the general counsel of the Treasury to the Secretary of the Treasury and call particular attention to page 6, the paragraph which says it cannot be used for a loan or foreign aid.

Let me tell you, Mr. President, when you send $5 billion and have plans to send up to $15 additional billion to a country and that country can utilize these dollars for up to 7 to 10 years, that is a foreign aid program. That is not currency stabilization. The fact is, if they did not get the foreign aid, maybe their currency would devalue. But by any stretch of the imagination, I defy any Member to really buy into this fiction and say that this is not foreign aid or this is not an emergency loan program, an emergency loan program that will take anywhere from 1 to 7 to 10 years to repay.

It has been difficult to get adequate information from the administration as it relates to the administration of this program, the conditions of repayment, for what these dollars are being used. I think it is rather ironic that at this point in time when we have a rescission bill and we are talking about rescinding anywhere from $14 to $17 billion—and let me tell you some of the programs we are looking at, nobody can argue as to their merit. It is not a question whether we can afford it. It is a question of whether or not we are

going to get our house in order. I think it is rather ironic that when we have the Nation's Capital, right here, with a $1 billion deficit, we are sending $20 billion to Mexico—taxpayers' money. Incredible. What about an aid program here in the District of Columbia?

I find it ironic when my State of New York is at a $4 billion deficit, when the Governor and the legislature are facing hard choices, cutting back on Medicaid programs, cutting back on other worthy programs because we just do not have the money and you cannot continue to tax and tax and spend and spend, and we are cutting back, State after State, making the tough choices, here we are talking about a balanced budget 7 years out. My State has a $4 billion deficit. Why not a loan guarantee program to help bail them out? What about Orange County, $2.2 billion, laying off people—policemen, firemen, teachers.

How about some foreign aid right here at home?

Twenty billion dollars, to where? To a democracy? No way. To a corrupt government, narco dealers, an agricultural Secretary who served for 25 years as a billionaire, whose sons are involved in narco trafficking. We are bailing out currency speculators.

How much of the $5 billion that we have already sent down there went to pay off currency speculators? And they got every single dollar back and, in some cases, 20 percent.

Mr. President, I have had colleagues say to me, ''Well, you know something, if you don't go forward with this and the Mexican market collapses, they are going to blame you.''

Well, let me tell you, we have a constitutional responsibility. And if we are going to make aid available to them, then let us make the aid available to them under conditions necessary, let us understand where the money is going. Let us control, not one of the these secret back-room things with the administration, secrecy we do not know, giving it to them in tranches.

Now I understand a very significant amount, up to $5 billion, is going to go out within the next couple of weeks. We are told, ''Don't worry. You don't have to worry. There will be repayment.''

When they first told us about this program, the administration came forward and they said, ''If we have to use any money, any money whatsoever, then the program is a failure. Don't worry, because when they see the guarantees that are there, it is just like the United States, we are banking this, the world community is banking this. You don't have to worry.''

Well, we have already sent $5 billion down. And, by the way, some of that money, they say they are going to repay us over the next 5 to 7 years. Do you believe a government down in Mexico can guarantee we are going to get the money back? They say, ''Don't worry. We are funding with the oil revenues.''

Well, I see my friend, Senator MURKOWSKI, here. Maybe he will talk to you about the possibility of a repayment as it relates to the oil revenues; very, very, tenuous.

How are you going to get the money? Are we going to send troops in to seize the collateral, the oil?

Let me tell you something, if they wanted to do something, if they wanted to really have privatization, that is one thing. Let the free market determine. Why is the United States attempting to do what the free market should be doing? If they collapse because they were overspending, if they collapse because there was no value there, then let the market determine. Why should we rush in artificially to, so-called, prop up their dollar, to pay their foreign debts, to pay off their obligations? It does not make sense.

Mr. President, the Mexican bailout is a failure. What this legislation says is, before you send down more money, you come to the Congress the way you should. You get the authority from the Congress of the United States.

And for my friends in the Congress to say, ''Oh, no, don't do anything; don't do anything,'' is wrong.

If you think that the program is a good program, being administered the right way, then we should say ''Fine, vote against my amendment. Vote against it.'' But let me tell you something. If you think you know all of the facts and you are comfortable, you know all the facts, you know how that money is being administered, who is getting it, how we will be repaid, then I have respect for people who would then say, ''Alfonse, this is a bad amendment. I can't support it.''

But, if, on the other hand, we do not know how the money is being spent, we have doubts as to its being used in this manner, we have doubts as to the ability of the Mexican Government to deal with the problem, we have doubts that the free market system should be employed in this system, we have doubts about prepaying speculators who make vast fortunes, billions of dollars as we are bailing them out—they are getting their money, by the way, they are not putting their money back—I say this has been a failure.

Yesterday, the Mexican market went down. It has already collapsed. Now they are talking about it went up 10 percent. Ten percent from what, when some of the stocks in the fund had a value of $5-plus and they are down now to 38 cents. And they say it went up 10 percent, 10 percent on 38 cents. I think the administration is being a little bit disingenuous with us when they give us those kind of numbers.

Look behind the numbers. Look to see whether revenue is coming back into Mexico.

Do you really think the private sector is going to invest in there? The only time they are going to invest is if they are going to buy securities that are backed up by our money, because we say that we are going to see to it that we will pay off those debts and obligations. That is what has been taking place. It has collapsed.

Mr. MURKOWSKI. Mr. President, will my friend from New York yield for a question?

Mr. D'AMATO. Absolutely.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair.

The reference was made by the Senator from New York relative to bailing out speculators. We have never really had any acknowledgement from the administration as to just who held the debt, the Mexican bonds. We were told sometime ago, in an earlier discussion that the Senator from New York and I participated in, that these were bearer instruments. In other words, they were not issued in the name of a John Doe or a Sally Smith, but if you bought one you were a holder and, as a consequence of becoming a holder, there was no identification as to whom the holder is.

This loan and guarantee program started out at $6 billion. It escalated to $40 billion and when the administration end-runned the Congress, the total package exceeded $50 billion—at least $20 billion of which comes from the United States.

But my question specifically to the Senator from New York is, Why can we not find out who the holders of this debt are, the so-called speculators out there? And what is the difference between investing in a Mexican bearer bond and investing in the stock market?

If you buy IBM shares today at 82 and then next week it goes down to 62, do we expect the Federal Government to bail out that sophisticated investor who, with his or her eyes wide open, went in and bought that IBM stock? What is the difference between that and a Mexican bearer bond?

Mr. D'AMATO. There is very little difference. Except that in this case, we, the U.S. Government, participated in repurchasing billions of dollars' worth of these instruments that people invested in and we have literally guaranteed that they would suffer no loss. Indeed, not only did they suffer no loss but, to add insult to injury, instead of—by the way, if, in the free market, you had the free market working, they would have gone down, just like the IBM stock and, in most of those cases, that Government could have repurchased them when they came in for 20 cents on the dollar, 30 cents on the dollar.

No, we did not allow the free market to work. We went in and said, ''Don't worry. The United States, Big Brother, the working middle-class families of America, we are going to provide you with $20 billion.''

So those currency speculators, sophisticated investors, they got every dollar back they put in and, in some cases, a 20-percent increase. So instead

of allowing the free market to work, the stock, IBM goes down—Lou Gerstner would not like to hear that—but if you bought the stock and it went down, you would think you lost. Can you imagine? Why should not the American people have us guaranteeing, whenever they—and I think that is the Senator's point—whenever they make an investment, whether it is in bond market or whether it is in the stock market, that if it goes down enough, we will come in and guarantee that they will be paid, plus get whatever the interest that they were promised on that bond, in this case 20 percent.

It is the most fallacious—by the way, how did that help the Mexican economy? It did make some very sophisticated investors whole, made them happy. And I am sure that prior to this agreement being worked out, they understood they were going to take really substantial losses.

So we took American taxpayers' money to bail out investors and speculators in this situation.

I have to tell you, we are preparing to do more. That is right. In the next several weeks, if we do not do something like adopt this legislation, we will be shipping down to Mexico billions of dollars more. It is not enough that we gave them $5 billion. We are ready to give them more. Now I find that incredible. And we do not even know who these people are.

Mr. MURKOWSKI. Let me again ask my friend from New York, you say we do not know who those people are. I find that very curious, and basically unacceptable. We are committing $20 billion from the economic stabilization fund as the Secretary of the Treasury see fit without any congressional oversight. The proposal of the Senator from New York that is before us would curtail any further utilization of that fund, and $5 billion has already been committed, I gather.

Mr. D'AMATO. It has already been sent down there.

Mr. MURKOWSKI. We do not know how much has been expended, but the holders of these instruments, as they become due, are cashing in. They are not rolling over their investment. I assume that they have decided the best thing to do is get their cash. They got their 20-percent interest, and now they are pulling their funds out of Mexico.

Mr. D'AMATO. They are taking the ''dough,'' as they say, and running. And if anybody thinks that they are going to reinvest, the only time they are going to reinvest is if they know we are going to guarantee repayment.

Mr. MURKOWSKI. I wonder where that investment would be going. Would it be going into marks or yen outside the country, possibly?

Mr. D'AMATO. There is no doubt that those dollars are being taken out. We have seen huge outflows of money by the currency speculators, by the people who are reclaiming their bonds. Not all of this $20 billion is being used for bonds. But a substantial portion is even going to refinance Mexico's public debt.

Now, if that is not a loan or foreign aid in contravention to what the Treasury Department's own general counsel said—if I might, in an opinion by Robert Rubin, the general counsel, in a letter which I would like to have my staff get so I can put it in the RECORD, said:

> Although loans and credits are clearly permitted under the ESF, their purpose must be to maintain orderly exchange arrangements and a stable system of exchange rates, and not to serve as foreign aid.

Mr. MURKOWSKI. I wonder if my friend will yield for another question.

Mr. D'AMATO. Yes.

Mr. MURKOWSKI. In view of this commitment—and I was just given figures relative to the total of $52 billion as the extent of the funding—some $17 billion from the IMF, $20 billion from the United States, which we have identified, and $10 billion from the Bank of International Settlements, and from about five other sources, totaling $52 billion. The American taxpayer has a right to know who are the general beneficiaries of this fortunate commitment by the Treasury Department, because the average American that invests, if he loses, tough; he has lost.

Mr. D'AMATO. Mr. President, my friend is so right. If you ask, are we second guessing; sure we are. Our duty is to have oversight, not just to ship $20 billion and say we cannot micromanage. I am not looking to micromanage, but when you are reclaiming billions of dollars in securities, why would we not want to know who the people were? Why would we not send a representative down, as we do where you have financial collapses, and arrange to stretch out the repayment and to say to some of these people: Here is my million dollars; I want my million-dollar bond honored. I want you to pay a million dollars plus 20-percent interest.

You say: Wait a minute, Mr. Smith or Mr. Jones or Mr. Chou, because some of these come from abroad, we cannot. But I will tell you what we will do. We will pay you over a 10-year period. We are not going to pay you 20 percent interest. We will pay 3 percent interest, or maybe we will give you 60 cents on the dollar or 30 cents. To simply allow them—them being the Mexican Government and authorities—to repurchase, not even knowing who the people are, and how many are American citizens and how many are the investing bank houses of Germany, Japan, and other nations? We are told everything is going to collapse.

I tell you that the only thing collapsing is our dollar. By the way, why should we not use some of that money to reduce the deficit here in the United States? We can do away with the rescission bill. Why do we not take the money right here and say that we are going to use this money for deficit reduction? We do not need a rescission bill. That is rather absurd, but it makes more sense than sending it down to a group of people who have demonstrated to the Mexican Government that they do not have the capacity to be entrusted with billions of dollars, particularly when it is not even their money.

Mr. MURKOWSKI. Mr. President, why is this deal different than any other deal that basically turns out to be unsatisfactory, and when it comes down to a point where the Government cannot meet its obligation, or the financial house that has issued an instrument cannot meet the demand, the parties sit down and work something out relative to how the creditor is going to get paid. As the Senator from New York said, maybe 50 cents, 20 cents, 30 cents on the dollar. And it addresses itself in a business fashion, and there is a winner and a loser. In most cases, both sides lose if the investment is not successful. But it has been pointed out here in this instance that the Federal Government has seen fit to step in.

Why, I ask the Senator from New York, is it not more appropriate that we bail out, say, the investors in the Orange County debt?

Mr. D'AMATO. I agree.

Mr. MURKOWSKI. Somebody says charity begins at home once in a while. Is there a difference here between the Federal Government's obligation to step in and bail out the investors that hold the Mexican tesobonos? Why not those that hold the Orange County debt?

Mr. D'AMATO. I agree. It seems to me that if we were going to use taxpayer dollars, a much better case could be made as it relates to guaranteeing and giving a loan guarantee, for example, to Orange County, so they could repay these dollars over a period of time. They have taxpayers. These are the citizens of Orange County that are being hurt. These are our constituents, U.S. citizens. That, to me, would be much more understandable.

Mr. MURKOWSKI. Why do we know who those holders of the debt are, and we do not know who the holders of the tesobonos are?

Mr. D'AMATO. Because our administration did not take the time to say, in negotiating in this agreement—and again we are rushing down to make this money available—look, we are not going to pay back dollar for dollar, and we want to identify who these people are, have them come in, and we will negotiate with them. I would like to know how much further the market would have collapsed. It went from 10 to 2 on a relative scale. I mean, would it have gone down to 1½?

All this business about the damage being done—the Americans are hated there in Mexico now because interest rates have gone up. Home interest mortgages have gone from 20 to 80 percent. The Mexican people are blaming us, the bad Yankee. We are looked upon with disdain. We are not getting any credit for making American taxpayer dollars available. Meantime,

working men and women are scrimping and scraping to provide a better way of life for their families, and we just willy-nilly turn the other way and send this money down to Mexico and we pay off speculators. I think maybe some would have been embarrassed.

I do not know how many large institutions who invested money there were bailed out and made substantial profits. But I think the American people have a right to know whether they are American, whether they are Japanese, or whether they are German. But who were they, and who are we bailing out?

Mr. MURKOWSKI. Mr. President, let me ask the Senator from New York a question relating to the obligation of a holder of an investment. If, through a mutual fund or a broker, an individual American acquired some of these bearer bonds—tesobonos—now, what obligation does that person have to report the gain or loss to the Federal Government on his or her income tax?

Is that not a way of identifying who these holders are? Would not the Internal Revenue Service have a record of who held these bonds and have to report that information?

Mr. D'AMATO. At some point in time, that is absolutely right, when the reported year for that transaction takes place they will be able to assert.

Having said that, the IRS will—that will take some time, probably run into the next calendar year—but the IRS will be able to get an idea.

It seems to me, though, that the Treasury people themselves have an obligation, before allowing these dollars to be used, to say we want to identify with specificity exactly ''who,'' when people come in and get paid off on the institutions.

We have an obligation to know that. They never do this.

Mr. MURKOWSKI. Mr. President, one of the explanations given in an earlier meeting that I think the Senator from New York was at when the question was asked: ''Who holds this debt?'' The explanation was ''They are bearer instruments.'' Like a check payable to cash, whoever holds it, owns it and can basically turn it into cash.

I think there was a comment suggested, if this thing settles down and we try to work it out, then those that hold the debt will be known because they will be represented by themselves as they come in with their pile of tesobono and say we want to work something out with the Mexican Government to get paid.

Why did the Treasury Department not see fit to try and address identification? Who are the beneficiaries of this $52 billion bailout?

Mr. D'AMATO. Senator, an interesting point is raised. I will digress, as I do very often.

We rightfully come under great criticism related to the savings and loan collapse and the bailout. In that case, people still think that we bailed out wealthy bankers, et cetera. They were the people—we can identify every one of them—and the average amount of money was in the nature, and I am hazarding a guess, of under $20,000. They were the small, middle-class depositors. They were the people who held harmless because the Federal Government made a guarantee.

Our different case here, we are talking about sophisticated investors. We are talking about large brokerage houses. We are talking about mutual fund situations where we came in and did not even ask.

In the case of the failed banks we obviously asked to see—these are our own citizens. We had to identify the banks, every single citizen, before he or she got back his money.

Let me say, if some of them had over $100,000, they had multiple checking accounts. And we had a case of a charity in New York who did not know. They thought because they had multiple checking accounts and each was under $100,000, they are covered. They would be wiped out.

We had to get special legislation by the Congress to see that our own citizens got back their money. Forget about interest—just got back their money.

Here we are paying off foreign speculators who invested in foreign obligations 100 percent on the dollar, plus their interest on top of that, and we are told, ''We couldn't find out who they were.''

Can you imagine? Of course we could have. We should have insisted on it. We should have insisted that they negotiate. Maybe we would want to make certain rules if some of the institutions that invested were people, pensioners, et cetera.

We might say, ''Let's give them a break.'' If some of them were not, we would say we have no legitimate claim and maybe we will pay them 20 cents on the dollar, 30 cents on the dollar.

No, we ship this money around like it does not belong to us. Well, it does more than belong to us.

Mr. MURKOWSKI. I wonder if the Senator from New York would yield for a minute for an examination of how risk works?

Many of the bearer bonds were sold with the promise they would return 20 percent interest or thereabouts. Very much, much higher than we can get in the United States on bonds.

Of course, the investor has to look at that 20 percent and say, ''Why are they willing to pay so much more than the going rate that is prevailing in the United States?''

Unlike what the investor would get if he or she went to his bank, their deposit would be basically guaranteed by the Federal Government—$100,000 through the insurance that the Federal Government mandates that banks must carry.

So, clearly, we have a case here where there was a consideration of a handsome return, 20 percent, by the issuance of these bonds. These investors had to make a decision whether to invest their money and run the risk associated with having to offer 20 percent to get the investment, or not invest at all.

They had to be fairly sophisticated, because a person looking for an investment for his or her old age would be foolish to invest and try and generate 20 percent return because he or she would know that is very, very risky. If investors knew the Federal Government would bail them out, why, then, they are home free.

Now, how in the world could we have made this transition? What were high-return, high-risk, investments have now been converted into an obligation of the U.S. Government.

Now, as the Senator from New York knows, as the Senator from Alaska knows, if we can get the guarantee or if we can get the kind of bailout that this has developed, why, a person will take it. In the meantime, the American taxpayer is taking it in the pants.

Mr. D'AMATO. There is no doubt, Mr. President, that this is one that goes down in history as one of the most misguided operations to rescue the Mexican economy. It is not working. It is not working.

Again, if we read the reports now, it is stabilized. The peso, at 6.7, approximately, to $1, where it used to be 3.5. It really has not recaptured any ground. It hit a high of 7.

The fact of whether it is 6.7 or 8 or 9 is not in the final analysis going to rescue the economy. I will say, all the drums are already beating.

My legislation, oh, horrible things—the Mexican economy has collapsed. The Mexican people have been injured as a result of what we have done. They hold us in disdain. We are in complicity with the group of corrupt politicians who have—we were sold a bill of goods about how great and decent and wonderful Mr. Salinas—how his administration was different, how free markets were working.

I will say, the megaspeculator did well. The people in that government who sold out early in terms of the currency in the billions of dollars of currency transactions, they made out.

I will say, that this administration, the President, the Secretary of the Treasury, withheld vital information and seduced the world and the American people into believing that everything was hunky-dory last year.

Do not believe me, read the Washington Post. I will quote them. ''Despite warnings, U.S. failed to see magnitude of Mexico's problems.'' We not only failed to see, we covered it up. Now, it is one thing not to reveal the problems and the failings of an ally, particularly when so important, and it is another thing to be totally disingenuous and untruthful with the American people.

Here we have, back in April, May, August, September, people in the administration, when they knew that there were serious problems, when the intelligence agencies of this country said, ''You got real problems there.''

September, Treasury Secretary expresses support for the policies of the Zedillo government, after he is elected—September, last year.

In July and August, we had serious misgivings and warned—warned—the Mexican Government and officials that there were real problems. We knew what was taking place. We knew that there was a drain on the foreign exchange. But we did nothing. Yet, the Secretary of the Treasury, when he met with President Zedillo, said he supported his policies.

In November, President Zedillo met with President Clinton and Secretary Bentsen in Washington. Nothing was said. In December, he is sworn in; December 9, the President of the United States touts Mexico.

Listen to this. December 9—we knew that they were a basket case. The administration knew it. Do you mean to tell me the Secretary of Treasury did not tell the President of the United States what was going on? And they said—this is an article, not me, the Washington Post:

President Clinton touts Mexico as a case study in successful economic development at the Summit of the Americas.

This article was February 13, 1995. It is quite comprehensive. By the way, that was just less than 2 weeks before the Mexican Government then went through the devaluation, on December 20.

So here we are, all during that period—August, September, October, November, December—our administration knowing, and we are telling everybody everything is wonderful, a case study in success.

Let us talk about complicity. This is absolutely something that was horrendous. Now, to compound it by sending $20 billion down to people who do not have the ability—and not even ask who are we bailing out? Who are the people who are reaping the dividends? That is immoral.

I have to tell you something else. If we in the Congress of the United States, for whatever political reasons, are seeking political cover, look the other way—we are absolutely deviating from what we should be doing. We are in dereliction of our duty and responsibilities.

Mr. MURKOWSKI. Would the Senator yield. I would just like to explore a theory.

I think the Senator from New York will recall at a meeting that was held in the leader's office in January, the Secretary of the President of Mexico was there, and at that time we were under the illusion that the current debt was somewhere in the area of $40-some-odd billion. I believe the Secretary indicated that the current debt, that is the debt that is due within the current year, was somewhere in the area of 70—it was substantially more than we were led to believe by the Department of the Treasury.

Let us assume for a moment that most of this debt was held by American investors who held these tesobonos; the debt is due, and the Mexican Government cannot meet the debt. What happens to the investment that went into Mexico? Mexico issued these bearer bonds and they got dollars. They did things with those dollars, things that we would assume would increase the economic vitality in Mexico. In any event, the Mexican Government could not meet the obligations. Is Mexico going to be any worse or better off if the American taxpayer reimburses Americans who hold that debt? Americans are going to be better off.

Mr. D'AMATO. And other foreign investors.

Mr. MURKOWSKI. Any foreign investor. But it makes, really, no difference to Mexico, does it?

Mr. D'AMATO. Not to its people.

Mr. MURKOWSKI. No.

Mr. D'AMATO. As a matter of fact, tied to the repayment schedule, which they will never be able to carry out, has come the most austere measures placed upon the Mexican people. The Mexican middle class has collapsed. We are now viewed as truly the ''Ugly American'' in the eyes of the Mexican people. They are aghast at our intervention in their national sovereignty. And they happen to be right. It is one thing to help a neighbor in need. It is another thing to just simply take dollars, throw them down, and then tie their people, without the permission of their people, to the most incredible tax increases and interest rate increases, and create the business failures and collapses that will be blamed upon the United States of America.

Mr. MURKOWSKI. The obligation falls to the Mexican Government, really, to pay back the $52 billion. But we are being told that we have to do this to stabilize the Mexican Government, to prevent an economic collapse. But really the beneficiaries are the holders of the debt and not the Mexican people.

Mr. D'AMATO. Who have taken their money out. They are not going to be reinvesting. I think the Senator raised the point before. If you were a pension fund and you had invested $10 million or $1 million in these securities in Mexico, and now you got your money out, as a fiduciary—or if you were a bank or, again, an investment advisor—under no circumstances would you be permitted, without exposing yourself to tremendous liability in terms of investing the dollars in that situation. That would not be the act of a prudent investment manager.

So to hope you are now going to stimulate a recapitalization of Mexico with foreign dollars coming in is ridiculous. It is just not going to happen.

However, Senator MURKOWSKI is absolutely correct, people throughout the world are getting paid back on the moneys that they invested. We are paying them back, the American taxpayers. Look around: Working middle-class families, our farmers, our plant operators, our small businessmen—we are seeing to it that the people who invested in high risks, we are bailing them out. Terrific.

Are the Mexican people saying thank you? They are not. I would not, if I were them. If my house mortgage went from 20 percent to 80 percent, who do you think I would hate? The banks that are collapsing down there? We are going to bail them out. You want to talk about a bailout—sure. So the German speculators, they were there; the Japanese speculators, they were there; the Wall Street interests, they were there—they got bailed out. Not the Mexican people.

The economy is worse, much worse. Now they talk about, ''Don't worry, they are going to come across the borders.'' They are coming across the borders now. Every time we offer a bill on legislation or we fail to send money down, we are going to be threatened that we are going to be invaded? We are.

Let us do a job. We have a job to do. Because the immigration people are not doing a job—this administration or the past one—adequately, do not come to the American taxpayer and add to it, compound it, hit them now with $20 billion. And this is just the beginning, and it is not going to work.

Mr. MURKOWSKI. So to walk through this very briefly, so we all understand the transfer of the obligation here, it has been transferred to the American taxpayer and the Mexican taxpayer by this action. The holders of the tesobonos are being taken care of by this action by the United States Treasury, the guarantee, the $5 billion that has already been extended. You would stop that with this action?

Mr. D'AMATO. Absolutely.

Mr. MURKOWSKI. The Senator's bill would say, ''No more.''

Mr. D'AMATO. No more, unless you come to the Congress. And then let the Congress have the courage, let them tell the American people why they are sending money, where they are sending it, and under what conditions they are sending it.

Mr. MURKOWSKI. And who would benefit from that.

Mr. D'AMATO. And who would benefit.

I say to Senator MURKOWSKI, you never really did a finer job than bringing us right to the essence of this. What kind of free market are we talking about when the people who invested in the free market system had the Mexican people in Government, and the U.S. people in Government, guaranteeing their investment? That is not a free market system. You invest; you take a chance. You win or you lose. You do not have the Government coming to say we are going to bail you out. And that is what we are doing.

By the way, to get the facts is incredible. Do you think it is easy to try to get the facts from the administration as to what they are doing? ''Oh, we cannot tell you because if we tell you, they will have a thing and they will

not know and speculators—the speculators will clean up.'' Or the tesobono will go down or the dollar will go even higher; the peso will go to even 7 or 8 or 9.

The damage has been done. Let us wake up. You can just keep the charade up for so long. And after we pay off all the obligations and all the speculators, and all the people who invested get their money, what do you think is going to happen?

Mr. MURKOWSKI. Then, theoretically, at least, the poor Mexican taxpayer is expected to come forward, regenerate the Mexican economy, and pay back the IMF, the United States—$20 billion, the $10 billion from the Bank of International Settlements—so the Mexican taxpayer has the obligation in the end, but his country at that time is in terrible shape.

What we have done is—Mexico issued these bonds. They could not pay them. When they become due, Uncle Sam comes along and puts together a deal under the charade that we have to save Mexico from collapse. But what we are doing is: We are paying the holders, most of which are Americans who have seen fit to take a handsome return—the brokerage firms and various others—while we are paying foreign investors with U.S. taxpayer dollars. And then we look to the Mexican taxpayer and the Mexican economy to come back and pay these obligations.

I wonder if the Senator from New York really believes, as the administration tells us, that our so-called loans are safe because we will have access to Mexican oil, if there is a default? Does the Senator believe for one moment that we have access to Mexico's oil or that we are going to have?

(Mr. SHELBY assumed the chair.)

Mr. D'AMATO. Absolutely not, notwithstanding every dollar that is supposed to go through the New York Fed as it relates to foreign imports. The fact is they are using these dollars. They desperately need these dollars now for their economy to support their social programs, and to support their other programs. The fact of the matter is that their exports are going down.

Mr. MURKOWSKI. Production is in decline.

Mr. D'AMATO. Production is in decline, and no one is going to give them the capital to get their production up because it is run by who?—a bunch of robber barons, a corrupt government.

Mr. INHOFE. Mr. President, will the Senator yield for a couple of questions?

First of all, let me applaud the Senator from New York for bringing this to the attention of the American people. I have been presiding and listening, and join the Senator in offering this amendment. I applaud him for it. But I would like to back up a little ways and recall something to see if the Senator from New York agrees with this; that when Carlos Salinas first went in the perception was that his policies were stabilizing the economy, the peso was stable, and all of a sudden we had investors from Europe and other places who had never theretofore bought Mexican debt. So they came in.

Then we had a meeting on the 6th of January—the Senator from New York I believe was attending that meeting of both the House and the Senate with the administration—with many officials, including Alan Greenspan, Robert Rubin, and others, at which time I asked the question: Since we are obviously protecting new investors who have bought Mexican debt, who are buying debt and being paid somewhere in the neighborhood of 20 to 25 percent, which implies to me that there are some risks involved, where are the European countries in joining us behind the guarantees of this debt?

The answer was yes, they would be behind us.

The question I have for the Senator from New York is that has been 2 or 3 months ago now. Has he heard of any of the European countries who have now joined us in underwriting the guarantees?

Mr. D'AMATO. To a very limited extent there has been some participation in this area. One country I believe joined with $3 billion as it relates to short-term—very short-term—credit swaps. They have not been engaged in a massive kind of relief effort that we are involved in for loans up to 7 or 10 years. Then, of course, through their participation through the International Monetary Fund, which in the final analysis we will be called upon to help replenish—this is not just a $20 billion bailout. This is $20 billion plus the participation we owe the IMF, plus whatever it might be from the World Bank.

So with the exception of some limited credit swaps, there has been no kind of coming forth on the scale of the magnitude which have been expected.

Mr. INHOFE. That was leading to the second question I have for the Senator from New York; that is, another meeting took place on the 13th of January 1 week later with somewhat the same participants. At that time they were asked again. Where are the guarantors that are going to join us? At that point, it was not $20 billion, it was $40 billion. I have been fearful, since they had started to come for concurrence from both Houses of Congress and then went ahead and did it by Executive order that perhaps this $20 billion we keep hearing about is in fact closer to $40 billion, part one of the question; part two, I picked up a paper going through Dallas—I believe it was a newspaper in Mexico—characterizing this amount of money as not loan guarantees but foreign aid.

Mr. D'AMATO. I believe the Senator is absolutely correct. It is foreign aid when we become involved in not short-term propping up of the currency for 3 months or 6 months, which was traditionally used, and it is questionable whether or not it was ever intended to prop up foreign currencies. But if you want the argument that it helps us and that it helps our own currency fund, never before have we made a loan under a situation which has gone beyond a year, and in that one case we went the year. That was Mexico; in no other case. Once again, back in 1982 we participated to the extent of $1 billion. We are now talking about $20 billion.

I think the Senator from Oklahoma is absolutely correct. We are not talking about $20 billion. We are talking about $20 billion from the ESF fund, we are talking another $20 billion from the IMF fund, another unsubstantiated participation in the World Bank. We are talking about other economic swaps. We are talking about closer to $40 billion of taxpayers' money to maybe drawn down on.

Mr. MURKOWSKI. The Senator from Alaska unfortunately has to leave the discussion. I wonder if the Senator from Oklahoma would carry on.

I want to pledge to my friend from New York that I will work with him to stop this hemorrhage of the American taxpayer. In fact, we were able to hold a meeting, the Senator from New York as chairman of the Banking Committee, myself as chairman of the Energy and Natural Resources Committee, I think is an appropriate utilization of our oversight responsibilities. I think it behooves us collectively to work with the Finance Committee to develop a methodology so that we can tell the American taxpayers specifically who the recipients of this $52 billion bailout are because clearly it is not the Mexican people. It is the holders of high-risk debt that is generating a very handsome rate of return at the expense and the exposure of the American taxpayer.

I can tell the Senator from New York and the Senator from Oklahoma that, if this $52 billion flows out, the people of Mexico are expected to pick up and pay that back. They are not going to be able to do it. And we know that. We should not kid ourselves. As a consequence, the American taxpayer will end up as the fall guy, and the sophisticated investment community in this country and abroad will be the beneficiaries. I think the American public is entitled to know who those beneficiaries are. I intend to work with my colleagues toward that end in appropriate identification of just where this handsome return is being funneled.

I thank my friend from New York. I am pleased to join with him in cosponsoring this amendment.

Mr. D'AMATO. I thank my friend and colleague from Alaska for really I think focusing in on the central theme. We talk about free markets. We are not allowing them to work. Then we come in and we pledge United States taxpayers and Mexican taxpayers to bail out unknown speculators, unknown investors. I would like to know who they are. And in contravention of the statute of the Constitution which says that elected representatives of the people of

Congress must approve the appropriations of taxpayers funds, it is our constitutional duty. It is spelled out in article I, section 9 of the U.S. Constitution. It says no money shall be drawn from the Treasury but in consequence of appropriations made by law. That exactly is not what is taking place.

Mr. President, I see my colleague from North Carolina is here. I know he has a statement. He is a cosponsor of this legislation. So I am going to yield the floor.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. Thank you, Mr. President. A perfect example of what we are talking about in the conflict and the lack of direction we have seen in this entire process has been that, according to the President's fiscal year budget of 1996, the net position of the exchange stabilization fund is only $18.3 billion. Now he is committing $20 billion out of an $18.3 billion fund. That is by his own figures, not anyone else.

But I think the most distressing thing about the entire thing is nearly 6 weeks ago I asked Alan Greenspan how Mexico got into this situation. His answer was over-domestic spending, overborrowing and an out-of-control trade deficit. I asked him which one of those we were doing at a greater rate than Mexico. And his answer? None, that we were doing them all.

The real question is this: Who is going to bail us out? That is the difference. There is not anyone to bail us out. When the time comes, there is no bailout. And a perfect example of what is happening—and we have all seen it—is the decline in the dollar. The dollar went into a straight decline after we refused to balance the budget and when we became entangled with Mexico.

President Clinton plans to give Mexico $20 billion. ''Give'' is the right word. Do not call it a loan. There is no chance of it being paid back under any conditions. It is an absolute giveaway.

This type of thing is not new to Mexico. They have been through five or six of these so-called crises before. We simply do not have the money to bail them out. This $20 billion we talk about is supposed to be used to stabilize the currency of this country, and at the rate we are going there is no doubt we are going to need it to stabilize the currency of this country, and quickly.

I think the President's plan is a bad idea from the beginning when you look at the fact that Mexico's foreign debt is $160 billion. It is higher than it was in 1982, when Mexico simply took a walk on the world, suspended interest payments, and precipitated the Latin American debt crisis bailout.

Unfortunately, in the face of this crisis, President Clinton chose a flawed strategy that he has followed before. He followed it with health care. And that is a massive Government intervention. The last thing we need in Mexico is a massive intervention of this Government. And like before, the plan is being resisted from ordinary Americans who know they are going to wind up paying it back. The working taxpayers of this country do not understand how we can afford to send Mexico $20 billion when the United States is going into debt every day at $700 million or more.

The thing about it that has been so confusing—and I have talked to the Senator from New York and everybody else about it—is that when we first heard of this crisis $12 billion was supposed to correct it. Later on, they told us it might take $25 billion. Then we went to a meeting and they said $40 billion would absolutely be such an overkill, so much extra money that we would not even have to use the $40 billion.

Now it would appear now they are talking about $52 billion. We have no idea how much is involved. But there is one thing for sure. It is going to take a lot more money than a country going in debt at $1 billion every working day ought to be spending. This is a problem for the Mexican economy and the Mexican people to address themselves. It is not a problem for the U.S. Government. We simply cannot afford it.

The plan thus far has done nothing to stabilize the Mexican currency. It has gone down against the dollar since the announcement of the plan.

Now, to add bad news to bad news, as the peso has been dropping against the dollar, the dollar has been dropping against practically every industrialized country's currency in the world. So we are trying to bail out a weak peso with a weakening dollar. It simply does not make sense.

As I think Senator BROWN from Colorado said, nobody ever falls in love with their banker, and we have seen it clearly in this situation. Mexico will soon resent our interference in their economy and in their political affairs. There will be ''Yankee go home'' signs up before we ever finish the bailout. In fact, the evidence is already there. During the deliberation on the President's first plan, the Mexican Legislature took a vote in which they said, yes they, have to approve the bailout. In other words, they have to decide whether they want us to give them money or not.

Finally, with an administration and a Congress that cannot control their own spending, the ludicrous part of it all is that we are talking about imposing financial constraints on Mexico, what they could spend, domestic spending, telling them to get the trade deficit in line—we, the United States Congress, imposing trade constraints and fiscal constraints on someone when for 35 years we have been totally out of control, spending and wrecking our own dollar against the world's economy.

So if we cannot control our own, why should we think we are going to be able to control the economy of Mexico? What we need to do is exactly what this bill does. I assume we have committed the $5 billion, but when that is up, we should stop until it comes back before the entire Congress to make a decision as to whether we go any further or not. Maybe we could afford the $5 billion but we cannot afford an open-ended check.

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

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I thank Senator FAIRCLOTH not only for his support and cosponsorship of this legislation but for his persistence in asking for the facts.

Mr. President, I prepared a statement and I am going to stick to it and read it at this point.

The Mexican bailout is a failure. The rights of the American people have been ignored and disregarded. Might I add, I also believe the rights of the Mexican people, who we claim we are interested in, have been injured as well.

People of this Nation clearly do not want to send $20 billion to Mexico even when there are the implied threats that there will be huge immigration masses illegally coming across our borders.

The administration and the President have arrogantly disregarded the men and women of America. They have gone around Congress. The President took money that was supposed to be used to stabilize the American dollar, and we are giving it to Mexico, make no mistake about it. We are never going to get this money back. And the question as to the use of this money is a very real and legitimate question that should be answered. Who are we bailing out?

The President has rewarded a corrupt dictatorial Mexican regime and saved global speculators from massive losses. Already, $5 billion—$5 billion—of American taxpayers' money is gone. Yesterday, the Mexican market still fell. The collapse of the Mexican stock market continues unabated. It was a terrible mistake for the President to use $20 billion of the exchange stabilization fund. That fund was intended to stabilize and to protect the American dollar, not the peso. This is an outrage. It is shocking. It is wrong.

The President has made conditions in Mexico worse for the Mexican people. Just think of it. The $5 billion already sent to Mexico has been used to repay the Mexican public debt to bail out currency speculators and Mexican banks.

American taxpayers should not have to repay Mexico's public debt and prop up Mexican banks. And that is exactly what is happening.

Never before has an administration or an American President taken such large amounts—$20 billion—from our economic stabilization fund to bail out

a foreign country. It is totally unprecedented. Never before has an administration sent more than $1 billion or used more than $1 billion from the ESF fund for a foreign country.

Never before has a President given a loan to a foreign country for more than 1 year from this fund. He should not give a loan at all. That is illegal.

But the administration has ignored precedent and did an end-run around the Congress. He has given the Mexican regime a line of credit from the ESF for 5 years, and in some cases up to 7 years. That has never been done before. It is totally unprecedented. It is wrong.

Even the Treasury Department recognized that the ESF may not be used for foreign aid. In an opinion to Treasury Secretary Robert Rubin, the general counsel of Treasury advised, and I quote from page 6:

> Although loans and credits are clearly permitted under the ESF, their purpose must be to maintain orderly exchange arrangements and a stable system of exchange rates, and not to serve as foreign aid.

This is clear. ESF money cannot be used as foreign aid. And that is exactly what is taking place.

Treasury also admits that ESF may not be used if American taxpayers' money is at risk.

I want one person to tell me that the American taxpayers' money is not at risk. No one can say that. Treasury officials cannot say that. They cannot say that privately, they cannot say that publicly, that the American taxpayers' money is not at risk. Now that is the law. That comes from their interpretation.

Treasury admits that ESF may not be used if American taxpayers' money is at risk.

Now, Mr. President, we have to be kidding ourselves if we are going to be saying that that is not the case. We have been told that Mexico has pledged its oil reserves as collateral for repayment. But Mexico can shut off the oil. And, the Mexicans can sell it elsewhere. The bottom line is that we have no real assurance that America will be repaid. What will we do? Will we send in the 82d Airborne to collect our money if they default?

Are we going to seize the oil wells? Are we going to prohibit them, somehow, from an agreement that is made with one administration today with another administration down there tomorrow if they decide, when interest rates at 80 to 100 percent are forcing a revolution, that they can no longer continue this austerity program?

Imagine what the middle class is doing and saying right now. How long do you think they can maintain this austerity program? And this is the only chance they have to make it. So what happens when they say, ''We cannot meet these onerous repayment schedules''? Are we going to cut off all their foreign aid? Are we going to seize all the money that comes through the Federal bank in New York? For how long? How long before they make a new arrangements for the sale and disregard the fact that money was supposed to go through the Federal bank? Are we going to sue them? Are we going to get judgments against them?

If you are going to do that, they will sell their oil abroad. If you take a man's life away from him, you take away his ability to make a living, he will stop working, and that is what they will do. You do not think that they are just going to pump oil for the sake of paying this debt if they need the money? It is preposterous.

Mr. President, given the unprecedented size and scope of the President's bailout, it is clear to this Senator, and to a dozen others who have cosponsored this legislation, that it is foreign aid for Mexico; that it is making a loan and, indeed, a loan which is not sufficiently collateralized, and that there is a good chance American taxpayers will suffer.

And, giving Mexico $20 billion of American foreign aid without congressional approval is wrong. Giving them $5 billion without congressional approval is wrong. Giving them $1 billion is wrong.

But this Senator said, ''All right. You have given them $5 billion. Let us hold it. And if, indeed, you can make a case to the American people, to the Congress, that they should continue to get aid, they should continue to get support, then let us have that legislation, let us have the ability to review how those dollars will be used, for what purposes, who will benefit.''

And that is the reason this Congress should be brought into this process. It happens to be the law.

As elected representatives of the people, the Congress must approve the appropriation of taxpayers' funds. It is our constitutional duty.

Instead of allowing the free market to decide Mexico's fate, the politicians in Mexico City and in Washington misled the markets. All during 1994, the administration told us that the Mexican economy was a model for the free world. We supported Mexican President Salinas' candidacy to head the World Trade Organization. President Clinton praised Mexico at the Summit of the America's, just days before the devaluation of the peso in December.

This administration has made the situation in Mexico far worse than it needed to become. The peso will rise and fall because of market forces—free market forces—and not because $5, $10, or $20 billion in American taxpayers' dollars goes south of the border.

What is going on in Mexico rivals any soap opera. There were reports of rampant Mexican corruption and collusion with drug traffickers. The former President of Mexico has left the country; his brother is under arrest for masterminding a political assassination. The Mexican Army is fighting rebellion in the southern region.

The peso printing press is still continuing—as we talk, they are printing pesos—and the peso continues to fall against other currencies, taking the dollar with it. The inflation rate in Mexico is almost 70 percent, and bank interest rates in some cases are close to 100 percent.

Mr. President, where is the voice of the people? Do the people want us to make a loan in this situation? We have an obligation—a duty—to bring this issue into the light. This Senator will not just stand by and allow this obligation to be buried under political considerations.

Maybe President Clinton does not understand that hard-working American people do not want their money being used in this manner, but I do. I was sent here to fight for them—not the international speculators, not corrupt foreign governments, as nice as we want to paint a coat of fresh paint on them to dress them up.

If this administration truly wants to help Mexico, we should do so by demanding fundamental free-market reforms.

The first thing the Mexican Government can do, if it wants to pay off all its debts, is privatize PEMEX, the Mexican national oil monopoly that has been used as a Mexican piggy bank for corrupt officials year after year after year after year.

You have a former agricultural administrator, the Secretary, just retired there. He is a billionaire. He earned $50,000 a year, yet he is a billionaire. And his sons are tied to drug dealings. Sixty percent of all the drugs that come into this country in terms of cocaine are from Mexico as a transshipment place, from top to bottom filled with corruption. Do you think they are going to treat our money like it is their own? They will take their cut. They will treat it like their own. They will make it their own. Incredible.

Let the Mexican Government eliminate wage and price controls. Let them see to it that they do not impose false and arbitrary standards. Let them clean up the corruption that is destroying their country and the ability of their people to believe in it.

We should not make ourselves the international welfare house, certainly not on this scale. Welfare has failed dismally in those countries in which we have made it the cornerstone of our policy. When will we learn? The road to economic growth is less government, not more government. Let us do the people of Mexico a favor. Let us demand free market reforms.

Let us not get into the business of international welfare. Now, when Congress must cut domestic programs to balance our Federal budget, is not the time to send $20-plus billion to Mexico. We cannot afford to be Mexico's banker. The ESF is not the President's personal piggy bank, and it is our duty to protect American taxpayers.

Who will bail us out if the dollar continues to fall? The Japanese? The Germans? The Mexicans? I doubt it.

The time has come for Congress to stand up for the American taxpayers. So today, on behalf of the hard-working men and women of America, I have offered this legislation. This legislation reasserts Congress' rights and responsibilities with regard to this matter.

Some of my colleagues may not be happy with this, but I think it is their obligation. They have an obligation to vote ''yes.'' If you believe that Congress is ultimately responsible for the appropriation of funds, you have an obligation to vote ''yes'' if you think these funds are not being used appropriately. On the other hand, if you think that the administration is correct under the law; that these funds can be used for this purpose; that these funds are not being made as foreign aid; that these funds are not being made as a loan which may not be repaid, or is in jeopardy of not being repaid, then vote against this.

My bill would amend the ESF statute to provide—I think it is far too generous, but to deal with this situation, I have limited it to $5 billion. I think it should be much lower than that, a lower floor; but the President cannot give a foreign country in excess of $5 billion without congressional approval. I think that is reasonable.

Some have said that I should not introduce this amendment. But I say let us look at the facts. Mexico is in a quagmire. And American taxpayers have been drawn into the quicksand without any authorization by their elected representatives. The only long-term financial commitments being made in Mexico right now are being made by the United States of America, using American taxpayer money without their consent. We have dragged in an unwilling IMF and an unwilling World Bank. That is not right. If my colleagues think this bailout is appropriate, then let us vote on the record.

It is Congress' constitutional responsibility to determine whether to send American tax dollars to a foreign country. We should use the $20 billion that the President has sent Mexico, or intends to send Mexico, to help balance the Federal budget. I would rather spend the money to help New York, Orange County, or the District of Columbia, and whatever is left over, use it to reduce the budget, which is far more appropriate.

Congress could approve more than $5 billion in aid to Mexico. But if so, let us do it the right way, in the open, on the record. It is not good enough to say, well, we have congressional leaders who have approved. That may be, but that is not the full House, and that is not the full Senate. I am tired of hearing that. I am tired of hearing, oh, well, the leadership agreed. Yes, they agreed in good faith. I do not think good faith was kept with them. They were not told how these dollars were going to be used or about the implications in terms of the interest rates that would be imposed on the Mexican people. They were not told about the ability to repay. I was there at the last of the briefings when the Chief of Staff came in from Mexico to the President. He was honest. I have to tell you, he shocked me. I was skeptical up to that time. After he finished briefing us, I said, there is no way this works. I felt sorry for him because at least he was honest and told us the problem: 70 billion dollars' worth of short-term debt coming through within 12 months.

Let me tell you something. You do not stop $70 billion with all of the financing that we have talked about; it is insufficient. They can roll it over and roll it over, but you have to pay it back. The interest rates are going to be higher, and there is going to be less investment in there. You are going to have more money flowing out. Oh, for the short term you will keep it and make this mirage and things will sound better. But that is not right.

Mr. President, I submit that Congress must have the final say on spending of taxpayer dollars on foreign aid or foreign loans. We owe it to the hard-working men and women of this country we represent to stand up and do what is right. Sometimes it may take some political courage. We are the Senate of the United States. We have a responsibility to the people of the United States. We cannot be cowards. Now is the time for action. I urge approval of this amendment.

I yield the floor.

Mr. FAIRCLOTH. Mr. President, just another thought or two.

The Senator from New York mentioned the ESF has never been used in this magnitude before. I think if we face reality and cut out the gossamer facade of calling this thing a loan, we will get to the facts quicker. It is not a loan. A loan is a euphemism for a total bailout grant that we are never going to be repaid.

Usually, money that has been borrowed from the ESF has been repaid within 90 days. But with this giveaway, we have no assurance that it will ever be repaid at all.

Can you imagine if a Senator came to this floor and proposed a $20 billion appropriation for a domestic project? The first thing he or she would be asked is, ''Where will the spending cut come from to pay for it?'' Why should it be different when we send $20 billion as a gift to Mexico without any idea who is going to pay for it—well, we know who is going to pay for it: the American taxpayer.

I do not think you need a better barometer of what is going on in Mexico than the trends of the market themselves, with the lowest interest rate in Mexico at 50 percent and running to 70, 80, and 100 percent. What does it tell you about the value of the Mexico's debt when that kind of interest rate is offered? We have asked repeatedly who this debt is owed to. And never once have we been told. Not once did we find out. But we are taking hard-earned American dollars to bail out financial investors and speculators around the world who are getting from 18 to 25 to 30 percent, whatever, on these Mexican bonds, and we are bailing them out with American money.

One further thought. The immigration problem. This was used of course, to excite us—and I think I would call it the excitement plan used by the administration—to encourage us to support this, at first $40 billion, and now as the President took the ESF of $20 billion. But some have estimated that illegal immigration may be as low as 40,000 more immigrants if we do not do the bailout. Well, if you look at $20 billion and 40,000 immigrants, we are putting a half million dollars into every potential illegal immigrant. It simply does not make sense. It is a bad idea whose time has not come and will not come.

I encourage my colleagues to vote for Senator D'AMATO's amendment. We are hooked with the $5 billion, but let us not send any more good money after bad.

Mr. President, I yield the floor.

Mr. D'AMATO. Mr. President, I see that a number of my colleagues who may share a difference of opinion on this are on the floor and if they wish to speak, I would be happy to yield the floor.

I ask unanimous consent that an article from the Wall Street Journal, entitled ''Americans Grow Ugly in Mexicans' Eyes,'' dated March 21, 1995, be printed in the RECORD.

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

[From the Wall Street Journal, Mar. 21, 1995]

AMERICANS GROW UGLY IN MEXICANS' EYES—RESCUE PLAN REVIVES LONG-SIMMERING RESENTMENTS

(By Dianne Solis)

XOCHIMILCO, MEXICO.—In this postcard perfect town of canals and floating gardens, a favorite of American tourists, Teresa Garcia fumes that her country is becoming a colony of the U.S.

Even though the U.S. helped save Mexico from a financial crash by organizing a $52 billion bailout package, many Mexicans such as Mrs. Garcia view the rescue program as a lead parachute.

They worry that the rescue plan calls for such severe austerity measures that Mexico will plunge into a serious recession. They fret about soaring interest rates, which now top 100%. And, perhaps most viscerally, they stew about provisions that make exports by the state oil monopoly, Petroleos Mexicanos, collateral for the rescue package. Many fear the move betrays U.S. designs on Mexico's sacrosanct petroleum operations.

OIL IS NATIONAL SYMBOL

''Those jerks want our oil,'' snaps Mrs. Garcia. ''Oil is a great symbol for the middle class and those below. You take it away, you steal our national identity.''

As her comments suggest, Mexico's historic anti-Americanism, seemingly vanquished in recent years, is creeping into view again.

Signs of the mood shift are cropping up all over. ''We will never agree to the privatization of Pemex,'' the acronym for Petroleos Mexicanos, reads graffiti on a wall across from the Camino Real hotel in Oaxaca, a

southern tourist site frequented by Americans. On the Texas border in Ciudad Juarez, workers at a U.S.-owned furniture factory grouse about gringos who won't grant them pay raises, even though labor costs were sliced in half after a Mexican peso devaluation that began last December. ''The only ones who benefit are the American bosses,'' says Carlos Lopez, a 21-year-old worker. Fully 80% of Mexicans polled in a recent survey by the Civic Alliance, a citizens watchdog group, opposed the terms of the U.S. package.

Just a year or two ago, such feelings seemed virtually forgotten, Mexico's economy was humming, and more and more citizens were reaching middle-class status, giving them the chance to travel to the U.S. and partake of its material pleasures. Last year's historic North American Free Trade Agreement, which created a giant free-trade zone out of the U.S., Mexico and Canada, seemed to seal the close ties.

But the peso devaluation in December, and the prospects of deep economic hardship that followed, have soured the mood. In particular, many Mexicans are distraught that Pemex must now pass all receipts from crude oil exports through the Federal Reserve Bank of New York. This money will only be remitted to Mexico if it remains current on payments it owes on the bailout package.

Although both governments insist the arrangement is just a bookkeeping matter and say Mexico has used it in the past, it's harsh medicine for many.

ANGER AND FEAR

Indeed, when Mexican President Lazaro Cardenas nationalized foreign oil companies to resolve a union dispute in 1938, it became one of the country's proudest moments. On Saturday, the 57th anniversary of the nationalization was marked by angry speeches, and overshadowed by rampant-speculation that the government plans to allow foreigners to drill in Mexico's oil fields once again.

At a ceremony held by the party of the Democratic Revolution, Mexico's chief leftist opposition party, organizers drew fiery applause when they read a letter from Amalia Solorzano, President Cardenas's widow, warning against giving foreigners any more involvement in Pemex's affairs. ''They won't be satisfied with just draining the veins [of Pemex],'' the letter said. ''They'll keep asking for the head and the docile government will be happy to satisfy them.''

But Mexico's complex, love-hate relationship goes beyond oil. Although Mexico occupies only modest space in U.S. history books, Mexican children are drilled by teachers on how the 1848 Treaty of Guadalupe Hidalgo forced the sale of Mexico's northern half to the U.S., and on how the U.S. invaded Mexico in 1914 and 1916. In times like these, many a Mexican can be heard to repeat dictator Porfirio Diaz's line from around the turn of the century: ''Poor Mexico. So far from God and so close to the United States.''

Although old wounds had healed substantially as the U.S.-Mexico commercial relationship strengthened, memories of domination are being dredged up again. One editorial cartoon has a poor Mexican selling oil under a sign that reads, ''Pay at the booth.'' Collecting the money at the booth behind him is Uncle Sam. Another cartoon shows Mexico as a hungry dog begging at the table of President Clinton, who is holding a plate full of money just out of reach while musing, ''Mmm . . . Let me see if I've forgotten any condition.''

A visit to Xochimilco with Mrs. Garcia illustrates some of the frustrations people here are feeling.

BUSINESS SHUT

A business owner in debt to foreign banks, Mrs. Garcia has suffered such severe credit problems that she shuttered her meat-preservatives and condiments business a month ago and is trying to sell her inventory at a $40,000 loss.

Angrily touring her neighborhood, she points out spots where she says people are at least as disillusioned as she is. In front of a tiny restaurant with hand-lettered signs, she says with a sigh. ''The owners are three college professors with masters degrees. They couldn't make ends meet. Look, they had to open this little place to sell [pozole],'' a garbanzo-bean stew popular with the working class.

Well past midnight, Mrs. Garcia broods at the home of a neighbor over coffee. The neighbor, an academic from a well-to-do family with servants and nannies, complains her salary has effectively been sliced in half by the devaluation and barely covers her living expenses now.

The neighbors direct some of the blame at the Mexican government. But Mrs. Garcia continually returns to the theme of Pemex, and the U.S. threat to its independence.

''What does the U.S. want us to be?'' she sneers. ''A Puerto Rico?''

Mr. D'AMATO. Mr. President, the fact of the matter is the article goes on to talk about how the Mexican people are feeling toward Americans, and the great pain.

There are other articles that in graphic detail talk about the incredible burdens as it relates to the interest rates that now have gone up on small business owners, on the homeowners, on the savage price they are paying.

While we may be attempting to help our neighbors to the south, we have enraged their citizens. While we may be well-intentioned, what we have done is seen to it that a select group of investors have been bailed out. They have been bailed out by the American taxpayers, by the Mexican people, who resent our intrusion.

They have every right to resent that intrusion, given the sorry, dismal performance of their Government in giving out laudatory expressions over the past years, going back to past administrations, that had the United States believe that Mr. Salinas and his people were the answer to all their problems, and represented, truly, free markets and democracy, when that was, obviously, now, a myth.

Mr. President, I see my colleague on the floor who wishes to make his statement. I yield the floor.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I have been listening to this exchange with some interest and some bemusement—if one can use that term—with respect to a matter that has such potential serious consequences. This ought to be underscored: A matter of the utmost gravity.

The New York Times on the 25th had an article headlined ''Mexico's Recovery Plan Shows Signs It Is Working.'' Two weeks after it was introduced, Mexico's tough new recovery plan is showing the first signs that it may be working.

The floundering peso has started to stabilize while the economy is being squeezed even more tightly. The article ends up with a quote from the director of analysis in a brokerage firm in Mexico City, saying ''There is a little bit more confidence in Mexico. Things are getting better. But there is still a long way to go.''

Now, if there was any doubt about whether what we do here or what we say here—let alone what we do—may have significant consequences, this Mexican crisis may prove the point.

Let me go back with a little history. On the 11th of January, one of my colleagues took the floor and this is what he said:

> Mr. President, while American diplomats and foreign policy pundits handwring over various crises in Eurasia, and the American military is hand-holding the doomed in a number of Third World quagmires, an economic crisis of alarming proportions is threatening to engulf our nearest neighbor to the south. Could there be a better example of the failure of our foreign policy than the potential collapse of Mexico?

Continuing with this statement:

> I believe that charity begins at home. Mexico and Canada are part of the American family. Yes, we bicker, we snipe, we engage in the kind of heated battles only family members could get away with, but in the end it is the family ties that bind. We can no longer take our good neighbors for granted. Our national security and our economic well-being are inextricably linked to the health and stability of Mexican society and the Mexican economy.

Let me repeat that colleagues' statement here.

> We can no longer take our good neighbors for granted. Our national security and our economic well-being, are inextricably linked to the health and stability of Mexican society and the Mexican economy.
>
> We face a far greater threat from instability in Mexico than we will ever face from open conflict or economic chaos in most of the places American diplomatic attention and foreign aid are currently focused. We must help the Mexicans stabilize the peso to renegotiate their debt, and to develop an economic strategy of long-term investment and growth that will improve the quality of life of all Mexicans and, by extension, the quality of life of all Americans. To do as we have been doing, to focus on the problems of other continents while ignoring our own, is asking us to worry over a distant storm as wolves gather in our own backyard.

That is a very strong statement about the Mexican problem and a very strong statement about the United States responsibility to respond to the Mexican problem. That statement was made by my colleague, the distinguished Senator from New York, Senator D'AMATO, who has just spoken at great length here on the floor.

This was on January 11. Of course, the administration, I assume in part influenced by Senator D'AMATO's statement about responding to the Mexican situation, influenced by this strong, forceful declaration in the Senate as to what needed to be done with respect to Mexico, and the responsibility of the

United States to respond—I am sure the administration was impacted by that statement. And of course they began to try to construct some package that would enable the United States to play a role in addressing the economic crisis confronting Mexico.

The Treasury and the Federal Reserve came to the Congress to seek congressional authorization for a loan package to provide assistance to Mexico. That loan package in fact was in the amount of $40 billion. What we are now talking about is the use of the Exchange Stabilization Fund for $20 billion, with the international community coming in for other amounts to create a larger package which is judged as necessary if Mexico is going to be able to move out of this crisis.

But the administration came to the Congress to seek approval from the Congress of a loan guarantee package of $40 billion. That loan guarantee package, the administration's request, was endorsed by the Republican and Democratic leadership of the Congress.

We want to be very clear here about where the responsibilities are, and clear about this amendment in its historical context. It needs to be made clear that there is a recovery program now underway in Mexico, and if the rug is pulled out from under that recovery program the responsibility for that also needs to be made clear.

The recovery program has risks connected with it. No one has denied that. There has to be some evaluation of those risks, and weighing them, but on the 12th of January, President Clinton and the congressional leaders issued a joint statement on Mexico's currency crisis after meeting at the White House. I will quote from that statement. This was the statement of the Republican and Democratic leadership of the Congress, both Houses.

We agree that the United States has an important economic and strategic interest in a stable and prosperous Mexico. Ultimately the solution to Mexico's economic problems must come from the people of Mexico. But we are pursuing ways to increase financial confidence and to encourage further reform in Mexico. We agree to do what is necessary to restore financial confidence in Mexico without affecting the current budget at home.

Mr. President, I ask unanimous consent that that statement be printed in the RECORD at the end of my remarks.

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

(See exhibit 1.)

Mr. SARBANES. The submission of that proposal was followed by extensive consultations between the Treasury, the Federal Reserve, and Members of the House and Senate to craft a package that could win congressional approval. A January 14 article in the Washington Post reported:

Treasury Secretary Robert E. Rubin and Federal Reserve Chairman Alan Greenspan canvassed Capitol Hill, briefing legislators on the details of the plan and lobbying for support. At a question and answer session attended by more than 100 legislators yesterday morning, many Members of Congress questioned Rubin, Under Secretary Lawrence Summers, about whether the proposed rescue package would put U.S. tax dollars at risk. And some demanded assurances that the United States would extract broad promises of economic reform from the Mexican Government before the Treasury extended any financial support. But at the close of the 2-hour meeting, House Speaker Newt Gingrich told the gathering that the Republican leadership in the House stood firmly behind the administration's rescue plan, ''We have zero choice on this,'' he said, according to those who attended the meeting. ''Republican leadership,'' he added, ''is committed to doing everything we can to make it work.''

''There is generally a consensus that as the leadership agreed last night, we need to do what is necessary to make this work,'' Senate majority leader Robert J. Dole said after the morning meeting. ''We do not have the luxury of waiting very long,'' he added.

Mr. President, I ask unanimous consent that that article be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. SARBANES. Mr. President, there then followed 2 weeks of extensive efforts by the Federal Reserve, the Treasury, and congressional leaders to craft the package. A January 19 article in Roll Call reported, ''Not only did House Speaker NEWT GINGRICH and Senate majority leader BOB DOLE immediately back President Clinton in offering a $40 billion''—and I emphasize that $40 billion—''loan guarantee to Mexico, but House and Senate task forces have been working tirelessly with the administration and Mexican officials to craft legislation to put the guarantee into effect. This period ensued with these discussions with the Congress, with the Federal Reserve and the administration.''

And an article in the Financial Times recounts what transpired. I quote it:

It was around 8 p.m. on Monday, January 30, that Leon Panetta, White House Chief of Staff, finally accepted that the administration's plan to rescue Mexico with up to $40 billion of loan guarantees was not going to work. Two phone calls in the space of a few minutes had virtually made up his mind. One was Newt Gingrich, the new Speaker of the House of Representatives, the other from Mexico, Guillermo Martinez Ortiz, the Mexican Finance Minister. The message from Gingrich was simple and pessimistic. Congress was objecting to the loan guarantee package, and the chances of its rapid and successful passage were slim and worsening. The conversation with Ortiz was also deeply worrying. Money was flowing out of Mexico so rapidly that without U.S. help they would soon have to abandon the convertibility of the peso. According to the article, Speaker Gingrich told Panetta it would take at least another 2 weeks to line up support for the package. If the President acted on his own, Congress would breathe a huge sigh of relief.

Let me repeat that:

According to the article, Speaker Gingrich told Panetta it would take at least another 2 weeks to line up support for the package. If the President acted on his own, Congress would breathe a huge sigh of relief.

Let me just recount what has transpired up to this point and where we are. The administration, confronted with an economic crisis in Mexico, sought to devise a package to respond to the situation. It in effect was urged to do so by Members of the Congress and many other commentators on public policy issues. Some of my colleagues in this Chamber took the floor to underscore the seriousness of the Mexican crisis, and the interrelationship between our two countries. ''Our national security and our economic well-being are inextricably linked to the health and stability of the Mexican society and the Mexican economy.''

Statements of that sort, which urged that we must help the Mexicans stabilize the peso and renegotiate their debt, were being heard from various Members of the Congress. The administration came to the Congress proposing a loan guarantee program for $40 billion and seeking the approval of the Congress for that loan guarantee package. The administration's proposal was supported by leadership of the Congress, and I quoted statements from both Speaker GINGRICH and Majority Leader DOLE supporting the administration's effort. As Senator DOLE said—this is after the administration submitted at a briefing the loan guarantee package—''There is generally a consensus that, as the leadership agreed last night, we need to do what is necessary to make this work.''

As we all well know, the efforts to muster congressional approval for the loan guarantee package of $40 billion ran into difficulty. And it was then that there was indication from some of the leadership. Speaker GINGRICH stated, ''If the President acted on his own, Congress would breathe a huge sigh of relief.''

That Financial Times article, from which I was quoting, then went on to say that the decision was then made to abandon the loan guarantee package which leadership had endorsed but for which there was difficulty commanding approval in the Congress. To abandon the loan guarantee proposal and develop a new support package centering on $20 billion of finance from the Exchange Stabilization Fund. So a new approach was taken.

On January 31, a joint statement was issued by President Clinton, Speaker GINGRICH, House Minority Leader GEPHARDT, Senate Majority Leader DOLE, and Senate Minority Leader DASCHLE. That statement said, and I quote, this is now quoting the statement of the President, congressional leadership, Speaker GINGRICH, Majority Leader DOLE and leaders GEPHARDT and DASCHLE.

We agree, that in order to ensure orderly exchange arrangements and a stable system of exchange rates, the United States should immediately use the Exchange Stabilization Fund to provide appropriate financial assistance for Mexico. We further agree that, under title 31 of the United States Code, section 5302, the President has full authority to

provide this assistance. Because the situation in Mexico raises unique and emergency circumstances, the required assistance to be extended will be available for a period of more than 6 months in any 12-month period.

The statement then goes on to indicate that the support that is coming from other nations, from the IMF, through the Bank for International Settlement, and then it goes on to say, and I quote:

We must act now in order to protect American jobs, prevent an increased flow of illegal immigrants across our borders, ensure stability in this hemisphere, and encourage reform in emerging markets around the world. This is an important undertaking, and we believe that the risk of inaction vastly exceed any risk associated with this action. We fully support this effort, and we will work to ensure that its purposes are met. We have agreed to act today.

That is the end of the statement.

Mr. President, I ask unanimous consent that the full statement of the President and the congressional leadership be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 3).

Mr. SARBANES. Mr. President, on that day, the IMF announced that the IMF was prepared to provide just under $18 billion standby credit to Mexico. The central banks of a number of industrial countries also said that they would consider providing $10 billion in short-term support through the Bank for International Settlement. So the second approach drew in greater support out of the international community than had been provided for in the first approach.

A Reuter's report of January 31 stated, and I quote:

Senate Republican leader Bob Dole said Congress' Republican and Democratic leaders would write President Clinton a letter backing his new Mexican aid plan. ''He won't be out there by himself,'' Dole told reporters. Dole said he, House Republican Speaker Newt Gingrich, Senate Democratic leader Daschle, and House Democratic leader Gephardt would send Clinton the letter of support. Dole said he had checked with other Senators, including some who had opposed Clinton's request for $40 billion in loan guarantee for Mexico, before deciding to write the letter. ''In my opinion, most everybody is on board supporting Clinton's new plan to commit $20 billion from the U.S. Currency Exchange Stabilization Fund'', Dole said.

A New York Times article of February 2 quoted Speaker GINGRICH as follows:

''The President exercised his authority,'' Mr. Gingrich said today. He took a tremendous burden on his shoulders. He did what key leaders felt was necessary.

I think people at a minimum should recognize the President had the courage to do what he was being told by the very sophisticated experts was vital to reinforce international markets.

Mr. President, I ask unanimous consent that those two articles 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, Feb. 2, 1995]

RESCUE: DURABLE OR BRIEF?

(By David E. Sanger)

WASHINGTON.—President Clinton's move to sidestep Congress and order emergency credits to Mexico halted a monthlong run on the peso, but it left Congressional critics and reluctant American supporters worrying that the bailout's success would prove temporary.

A debate over the solidity of the plan arose today as the International Monetary Fund prepared to approve an emergency $17.8 billion in medium-term loans.

Officials said the money would be available immediately to help the Mexican Government keep from defaulting on $40 billion in bonds and other liabilities that come due for payment this year. But the deliberations came as Germany and France bitterly complained that they had not been consulted by the White House and that the money might come out of aid to Eastern Europe and Russia.

On Capitol Hill, opponents of any American involvement in Mexico's bailout threatened hearings, focusing on what the Administration knew about Mexico's distress last year and how President Clinton diverted $20 billion in Treasury Department funds—intended to stabilize the dollar on world markets—to provide Mexico with emergency loans.

Not surprisingly, some of the harshest criticism came from Patrick J. Buchanan, the leader of the effort to kill any aid to Mexico.

''The looting of America, on behalf of the new world order, has begun,'' said Mr. Buchanan. ''Never again should a President be allowed to disregard the will of Congress to raid the U.S. Treasury to bail out Wall Street banks or a foreign regime.''

Senator Phil Gramm, the Texas Republican and an expected contender for his party's nomination for President in 1996, said Mr. Clinton was ''filling a bucket that is full of holes.''

But the President's action was defended by an unlikely ally: Newt Gingrich, the Speaker of the Republican-controlled House of Representatives.

''The President exercised his authority,'' Mr. Gingrich said today. ''He took a tremendous burden on his shoulders. He did what key leaders felt was necessary.

''I think people at a minimum should recognize the President had the courage to do what he was being told by the very sophisticated experts was vital to reinforce international markets.''

To sell the President's action, Treasury Secretary Robert E. Rubin assured skeptical Republicans and Democrats on Capitol Hill that Mexico had agreed to fundamental economic reforms and would be held to those commitments.

The reforms, spelled out in a letter from Mexican officials to the I.M.F. last week, include a more independent central bank, controls on credit expansion, continued privatization of Government-owned industry and relaxation of many of economic controls, including prohibitions on foreign investment in Mexican banks.

But Treasury officials acknowledged today that while they had talked about the loan conditions in general terms with Mexico, there was nothing on paper. Already the conditions are being described in Mexico in far more lenient terms than they are in Washington.

For the American economy, the most important question is whether the bailout strengthens the peso. Its current level makes American goods 35 percent more expensive in Mexico than they were in December, and Mexican goods that much cheaper in the United States.

The current rate also seems to many economists to be likely to encourage far more illegal immigration across the border as Mexicans seek jobs that pay in dollars.

Mr. Clinton offered one of his most impassioned defenses of his action on Tuesday night in Boston.

''I know the surveys say that by 80 to 15, or whatever they said, the American people either didn't agree or didn't understand what in the world I'm up to in Mexico,'' he declared. ''But I want to say to you, it might be unpopular, but in a time of transition it's the right thing to do.''

Some of the harshest criticism of the Administration's action today came from European capitals, which were taken by surprise by the International Monetary Fund's decision—under strong pressure from the White House—to add $10 billion in aid to Mexico. That is in addition the $7.8 billion that the I.M.F. approved last week.

An I.M.F. official in Washington said some European governments were concerned that the fund's remaining resources might not be enough to deal with crises in other parts of the world.

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Section: Money Report; Bonds Capital Market; Domestic Money; Financial Report.

Length: 151 words.

Headline: Dole says Congress's Leaders Back Mexico Plan.

Dateline: Washington, Jan. 31.

Body: Senate Republican Leader Bob Dole said Congress's Republican and Democratic leaders would write President Clinton a letter backing his new Mexico aid plan.

''He won't be out there by himself,'' Dole told reporters.

Dole said he, House Republican Speaker Newt Gingrich, Senate Democratic Leader Thomas Daschle and House Democratic Leader Richard Gephardt would send Clinton the letter of support.

Dole said he had checked with other senators, including some who had opposed Clinton's request for $40 billion in loan guarantees for Mexico, before deciding to write the letter.

''In my opinion, most everybody's on board'' supporting Clinton's new plan to instead commit $20 billion from the U.S. currency exchange stabilization fund, Dole said.

The new plan does not need Congress's approval. Dole said the $40 billion in loan guarantees would not have been approved by Congress this week or next.

Mr. SARBANES. Now, these are the steps that transpired that led us to this point. And pursuant to this support of the leadership, the backing of the congressional leaders, the very explicit statements of Speaker GINGRICH and Majority Leader DOLE, the administration proceeded to use the Exchange Stabilization Fund on the basis of the package that had been outlined. Now, in effect, that approach would be negated by this amendment. That is what this amendment would do. And obviously, such a negation has very broad consequences, conceivably even immediately as the markets would react to this proposal that is before us.

Now, make no mistake about it, an effort was made to provide assistance to Mexico. Many Members of this body

urged that that be done. The administration submitted a loan guarantee proposal to the Congress and sought the approval of the Congress. Time passed. That approval was not immediately forthcoming. The crisis worsened. The administration then responded, in effect, to a signal from the leadership in which they indicated that they would welcome the President acting.

So the President moved to use the Exchange Stabilization Fund, a provision under existing law. That use was strongly supported in a joint statement by the leadership, and a package was put into place which gives some signs of working. No one can guarantee it. And there are risks associated with it. One would be clearly imprudent to pass over the risks. But the risks connected with not doing anything were very clearly made earlier by majority leader DOLE in one of his statements as we were proceeding to consider this matter.

So, Mr. President, this is an interesting exercise that is going on on the floor today, but I think it very important to place it in the context of what has transpired and to make very clear, first, the administration coming to the Congress, the response of the congressional leaders, and then the support of the congressional leaders for using the Exchange Stabilization Fund.

EXHIBIT 1

WHITE HOUSE, CONGRESS JOINT STATEMENT ON MEXICO

WASHINGTON, JAN. 12 (Reuter).—President Clinton and Congressional leaders issued the following joint statement on Mexico's currency crisis after a meeting at the White House.

''We agree that the United States has an important economic and strategic interest in a stable and prosperous Mexico. Ultimately, the solution to Mexico's economic problems must come from the people of Mexico. But we are pursuing ways to increase financial confidence and to encourage further reform in Mexico. We agree to do what is necessary to restore financial confidence in Mexico without affecting the current budget at home.''

EXHIBIT 2

[From the Washington Post, Jan. 14, 1995]

U.S. PLAN TO AID MEXICO CALMS FINANCIAL MARKETS; LOAN GUARANTEES GET CAUTIOUS HILL BACKING

(By Clay Chandler and Martha M. Hamilton)

The Clinton administration's plan for bailing out Mexico's economy calmed investors yesterday and buoyed the peso. It also drew cautious, but generally favorable reviews from members of the new Congress.

The Mexico rescue plan—a package of $40 billion in loan guarantees outlined Thursday night after a White House meeting between President Clinton and congressional leaders—boosted stock prices and currencies throughout the hemisphere yesterday. Analysts said the size of the package—at the high end of the range described Thursday night—appeared to be big enough to sustain investor confidence.

The peso rallied sharply to close at 5.25 to the dollar, a strong gain from Thursday's 5.5 rate. When the crisis began Dec. 20, the peso was trading at about 3.4 to the dollar. Stock prices surged 4.6 percent on the Mexico City market, with the main index up 97.7 points to close at 2,216.55.

''There is definitely a floor under the market that wasn't there before the announcement,'' said Thomas Trebat, Chemical Banking Corp.'s managing director responsible for emerging markets research.''

John Daly, senior vice president-global fixed income of John Hancock Mutual Funds, declared: ''The worst of it is behind us.''

Yesterday morning, as markets took the measure of Thursday night's announcement, Treasury Secretary Robert E. Rubin and Federal Reserve Chairman Alan Greenspan canvassed Capitol Hill, briefing legislators on the details of the plan and lobbying for support.

At a question-and-answer session attended by more than 100 legislators yesterday morning, many members of Congress questioned Rubin and Treasury Undersecretary Lawrence H. Summers about whether the proposed rescue package would put U.S. tax dollars at risk. And some demanded assurances that the United States would extract broad promises of economic reform from the Mexican government before the Treasury extended any financial support.

''I'm going to need a lot more information before I sign on the dotted line,'' said Sen. Tom Harkin (D-Iowa).

But at the close of the two-hour meeting, House Speaker Newt Gingrich (R-Ga.) told the gathering that the Republican leadership in the House stood firmly behind the administration's rescue plan. ''We have zero choice on this.'' he said, according to those who attended the meeting. The Republican leadership, he added, is committed to doing ''everything we can to make it work.''

''There's generally a consensus that, as the leadership agreed last night, we need to do what's necessary to make this work,'' Senate Majority Leader Robert J. Dole (R-Kan.) said after the morning meeting. ''We don't have the luxury of waiting very long,'' he added.

To succeed, the plan needs speedy endorsement on the Hill. Delays and protracted bickering over budget issues or conditions of the loan guarantees could trigger another slide for the peso, Treasury officials and investors said yesterday. But timing for congressional action on the plan remains unclear.

''I think the timetable will start to gel early next week,'' said Sen. Robert F. Bennett (R-Utah), a member of a task force of Senate Republicans who met in Dole's office yesterday afternoon to discuss handling of the measure.

Without the approval of Congress, the administration will not be able to translate the financial support proposal—which closely resembles a similar formula devised to extend loan guarantees to Israel in 1992—into action. Under budget law, the government must set aside money to cover any potential losses from loan guarantees, a move requiring congressional consent.

In some ways, congressional reaction to the administration's proposal yesterday mirrored the divisions that arose during the 1993 battle over the North American Free Trade Agreement, with pro-labor Democrats and some conservation Republicans raising doubts about the plan.

''What I want to know is: 'How much is it going to cost us really?' '' said Sen. Ernest Hollings (D-S.C.) one of NAFTA's most strident critics, of the Mexican assistance plan.

Lawmakers from both parties said they would feel a lot more comfortable about voting to back up the peso if other wealthy nations would be persuaded to share the financial burden. ''If the Mexican default is a major risk to the global economy, it sure seems to me that the Japanese and the Europeans should be involved,'' said Sen. Joseph I. Lieberman (D-Conn). Rubin and Summers argued yesterday that there simply wasn't enough time to line up international cooperation.

''I think something has to be done'' to shore up the Mexican economy, said Sen. Bill Bradley (D-N.J.). Without prompt U.S. action, the peso's collapse threatens to ''ripple through the whole world economy,'' he said. But Bradley, too, insisted that the loan guarantees be conditioned on stringent economic reforms in Mexico and stressed that the United States should not attempt to manage the peso crisis alone.

Administration officials proposed to members of Congress yesterday that the loan guarantees might be secured by rights to profits from the sale of Mexican oil reserves—a notion that is sure to elicit controversy within Mexico. And Dole suggested loan guarantees to Mexico might carry a much steeper risk than the assurance extended to Israel. ''I assume you'd charge Mexico as high as 10 percent because they are a greater risk,'' he told reporters following the meeting.

In the eyes of financial traders, final details of the package appeared to matter less than the solid signal of commitment from the United States.

''There was a major panic this week, and I think that was a bit of a climatic sell-off, where people threw up their hands and said maybe Mexico is going to disappear,'' said John Ford, vice president of the T. Rowe Price Latin American Fund in London.

The price of Mexican par bonds, which had gone from 56 cents on the dollar to about 45 cents on the dollar, was back to 53 cents yesterday, said John Hancock's John Daly.

The news of the loan guarantees also benefitted markets in other Latin American countries such as Argentina, Brazil, Chile and Peru, where stock markets suffered through one of their worst days in years on Tuesday. Jose A. Estenssoro, president of the privatized Argentine oil company YPF S.A. said the United States had no choice but to support Mexico through the crisis.

''It's not something that will have an effect on Argentina directly, but it probably will indirectly because it will give Mexico a chance of solving the very, very serious problems they have caused for everybody,'' he said.

If the Mexican government takes advantage of the guarantees offered by the Treasury Department on Thursday, it would draw U.S. commercial banks back into a loan market they have shied away from for more than a decade—Latin American public debt.

Public sector loans badly burned industry giants such as Citicorp and BankAmerica Corp., when the Mexican government renegotiated loan terms in 1982. Several bankers said that while the Treasury Department's guarantees were reassuring, they hoped not to have to make the loans—even though, they said, Mexico in 1995 is a fundamentally different country than Mexico in 1992.

Then the government was much more closely involved in a closed Mexican economy that depended heavily on oil exports—just when oil prices plummeted, depriving the government of a primary means of paying debts. Now, the Mexican government sports a balanced budget, a smaller debt burden and a more open economy with diverse sources of income.

EXHIBIT 3

STATEMENT BY PRESIDENT CLINTON, SPEAKER GINGRICH, MINORITY LEADER GEPHARDT, MAJORITY LEADER DOLE, MINORITY LEADER DASCHLE

We agree that, in order to ensure orderly exchange arrangements and stable system of

exchange rates, the United States should immediately use the Exchange Stabilization Fund (ESF) to provide appropriate financial assistance for Mexico. We further agree that under Title 31 of the United States Code, Section 5302, the President has full authority to provide this assistance. Because the situation in Mexico raises unique and emergency circumstances, the required assistance to be extended will be available for a period of more than six months in any 12 month period.

The U.S. will impose strict conditions on the assistance it provides with the goal of ensuring that this package imposes no cost on U.S. taxpayers. We are pleased that other nations have agreed to increase their support. Specifically, the International Monetary Fund today agreed to increase its participation by $10 billion for a total of $17.8 billion. In addition, central banks of a number of industrial countries through the Bank for International Settlements have increased their participation by $5 billion for a total of $10 billion.

We must act now in order to protect American jobs, prevent an increased flow of illegal immigrants across our borders, ensure stability in this hemisphere, and encourage reform in emerging markets around the world.

This is an important undertaking, and we believe that the risks of inaction vastly exceed any risks associated with this action. We fully support this effort, and we will work to ensure that its purposes are met.

We have agreed to act today.

Mr. DODD. Will my colleague yield?

Mr. SARBANES. Certainly.

Mr. DODD. I wish to thank my colleague from Maryland for his statement, for laying out what I think is critically important, Mr. President, the historical background that brings us to this moment in the matter before the Senate, the pending amendment offered by our colleague from New York.

I think it is important for people to point out the timeframe in which we are talking about here. We are talking about a little more than 60 days now, as I look at the calendar of events, of the matter first coming to our attention, as the Senator from Maryland has pointed out, roughly on January 11 or thereabouts. It may have been a few days earlier than that that the matter actually was raised. But in terms of the statements, it was January 11, and then there were a series of statements made over those days, roughly 60 days ago, 70 days ago, as I understand it, Mr. President.

It seems to me that when you have a matter of this import, the implications of which, as the Senator from Maryland has pointed out, are as profound as they are, then we ought to be very conscious of the implications should this amendment be adopted.

I know the Senator from Maryland has asked unanimous consent that various statements be included in the RECORD at the end of his remarks. I would like to ask as well, Mr. President, that some additional remarks by Brent Scowcroft at the Treasury Department briefing on January 30, about 60 days ago, be printed in the RECORD, along with a statement of declaration of support for the President's actions which was signed by former Presidents George Bush, Jimmy Carter, and Gerald Ford; former Secretaries of State James Baker, Lawrence Eagleburger, Alexander Haig, Henry Kissinger, Ed Muskie, and Cyrus Vance; former Secretaries of the Treasury Joseph Barr, Lloyd Bentsen, Michael Blumenthal, Henry Fowler, and David Kennedy; former Secretaries of Commerce Frederick Dent, Juanita Kreps, Robert Mosbacher, Elliot Richardson, Maurice Stans, Alexander Trowbridge; former U.S. Trade Representatives William Brock, William Epert, Carla Hills, Robert Strauss, Clayton Yeutter, along with statements from senior administration officials going back several administrations and a series of distinguished scholars as well, indicating the broad-based nature, Mr. President, of those who are knowledgeable about these issues as to the action taken by the President.

I commended at the time Speaker GINGRICH and Majority Leader DOLE for their statements. It was highly responsible for them as the leadership now in the Congress of the United States on a matter of this import, recognizing that it would take far too much time and it was likely to be very complicated here in the Congress, to make their recommendation that the President go forward and do what he did 60 days ago. We are hardly into this at all.

And so I commend my colleague from Maryland for his statement on the matter. I would further point out, Mr. President, I think it is important to note that just in the last day or so we have seen some very positive signs, by the way, occurring within Mexico.

The stabilization package as adopted is a strong one, as our colleague from New York has pointed out, and he is correct in stating that. It is very strong.

We had, of course, statements—because there is an exposure here, potential exposure, no doubt about that, but if we had not insisted upon a tough economic package in Mexico, I am just as certain we would have heard we were not tough enough on insisting that there be strong economic conditions imposed on Mexico to try to get its economic house in order, and had we not done that, the exposure to U.S. taxpayers might have been greater.

Let me just highlight, if I can, the positive news in the last few days. And, again, we all hope it works. I cannot imagine anyone not wanting to see this work. Of course, we are not in on it alone. There are a number of other major financial institutions which have made significant commitments to try to resolve this issue internally. They have upheld the tight money policy, and we are seeing results.

The nominal money supply has shrunk by 13 percent since the beginning of the year, and the real numbers by 23 percent through March 15. They have tightened their fiscal policy. Most recently, the congress approved a 50-percent increase in the value-added tax. Imagine trying to do here any tax increase. That is their congress adopting that. Electric and energy prices were raised significantly in real terms.

These are all over the last few days. Labor and wages seem to be under control. Market conditions have so far kept wage awards significantly below inflation despite the Government's decision to dispense with the PACTO.

Already economic adjustments are starting to work as seen by the swing in Mexico's trade balance to a surplus of $453 million in February, the first surplus, I might point out, since November 1990.

The markets are also responding, which is a critical element here. How is the rest of the world reacting to what Mexico is doing?

The bolsa in Mexico City is up 15 percent since last week, representing a 21-percent gain in dollar terms.

Prices on par Brady bonds have risen 11 percent from their recent low on March 16, and if the collateral is stripped away so that only Mexico risk is measured, the increase in value has been 17 percent.

Signs of declining volatility in peso trading have emerged, with the peso closing below 7 since March 23, and now trading within a narrower range.

The demand for Government securities rose in this week's primary auctions to 2.4 times the amount offered. Interest rates dropped 7.7 percent, to 75 percent on the benchmark issue.

According to March 24 diplomatic reporting, ''analysts are optimistic that the buying strength today of peso was not just bargain hunters but rather represents the beginning of a consolidation which will lead to restored growth.''

Wall street investment houses, while still more cautious, have also seen an upturn in sentiment. For example, last week Merrill Lynch increased its Mexico weighting on its global equity portfolio from 17 to 22 percent.

If these are in fact early signs that financial market sentiment is turning, an important factor has been the much greater transparency now maintained by Mexican economic and financial institutions, and the central bank in particular.

Of particular importance was one of the conditions of our agreements with Mexico, the weekly publication of the central bank's balance sheet. The Bank of Mexico transmitted the first of these publications last week.

Now, not only us, but all market participants can monitor Mexico's progress in rebuilding international reserves and maintaining tight control over the money supply.

Reserves are low—the Bank of Mexico announced $7.854 billion as of March 17. But with this new transparency, nobody in the market has to guess how low, and that has provided some reassurance.

One can find many pessimistic things to say about Mexico right now—the shattered confidence of foreign investors, the sharp recession ahead, and the political uncertainties. In particular,

concerns are focused on: the fragility of the banking sector and whether or not the program the Mexicans have put in place can work without the need to print money to bail out the banks.

The banks have a serious problem of high levels of loan delinquencies and an increasing level of bad loans which may result in the need for recapitalization for many banks;

Mexico recognizes this is a crucial problem and is implementing measures to shore up the banking system. Also, the World Bank and the IDB will make over $2 billion in resources available to assist banks suffering from liquidity shortages and to restructure problem banks.

The point is that we are beginning to see or hear some very positive indications that this proposal that enjoyed such broad support only a few weeks ago is beginning to produce some results.

Now I think all of us know here that when we use our remarks here on the floor of the Congress, we can have a profound effect on markets. Certainly, my colleague and my friend from New York knows, in his new capacity as chairman of the Senate Banking Committee, that it is not just another Member talking, it is the chairman of the Banking Committee. He knows full well the significance of his role, and he cares about the issue, obviously, very deeply and dearly.

But at the very hour that we are trying here to build some confidence, because as Chairman Greenspan pointed out and Jack Kemp, to his credit, testified about how important it was to be involved here—he has a disagreement over what we ought to be doing but, nonetheless, he feels very strongly we ought to be weighing in here—that the word ''confidence'' is critical.

If there is an erosion in confidence, if those who make the decisions and make the investments and sit around that table believe that we do not have confidence here that this plan that we have worked out with so many others is about the best we can do and has a chance of succeeding, if that confidence erodes within Mexico and the global markets, you have a self-fulfilling prophecy and you will get exactly the predictable result.

So here, within 60 days or so of having made a decision to go forward with the kind of bilateral support that is critical at moments like this, if we undermine and erode that, if this amendment is adopted—and there will be a vote on it—if this amendment is adopted, then you will see, I believe, the kind of reactions that will not serve anyone's interests well.

So I urge my colleagues to reject the amendment. I say that with all due respect to the author of the amendment. He and I have talked about this. We have been in forums elsewhere on it.

He is not incorrect to say this is risky. Of course, it has some risk involved in it. There is no question about that. But the risk of doing nothing at all, Mr. President, of allowing the situation to deteriorate further, certainly, in my view, is a far riskier path to follow.

The President of the United States did what a leader is supposed to do in these matters. He does not have the luxury of just making speeches or offering amendments on the subject. Ultimately, his decisions on these matters are critical. It took strength and independence, but also the support of the majority leader of this body and the Speaker of the other body to stand with him and say, ''You are doing the right thing. Mr. President, you are doing the right thing.'' And, as result, him taking that action. And now 60 days later, to come in and have this body undo all of that before it has even had a chance to prove whether or not it is going to work—and, in fact, signs are that it is beginning to produce the results—I think is the wrong step for us to be taking.

But, obviously, each and every one of us here will have to make up their mind as they come to vote on this matter shortly and decide whether or not to limit the amount of exposure here to the $5 billion, which will obviously cause people to draw the conclusion we are pulling out of this. I cannot imagine how other markets and other places are going to react if that result occurs. But, if it does, then I think very clearly—very, very clearly—it is this moment on this amendment that will bear a sizable degree of the responsibility for that result, in my opinion.

We all have to make decisions around here. Some of them are tough. This is not an easy one because, obviously, the potential for exposure is there. No question about it. But if this goes south on us, I think we should also be aware of what the implications may be.

My colleagues should also be aware that what may happen is not limited, of course, to Mexico. It limits the President's flexibility to help any country without congressional approval. We have seen Argentina recently going through a very difficult situation. I think they are doing pretty well now and coming out of it. But they will tell you, as the Foreign Minister did to those who met with him a week or so ago, that their economic problems were directly related to the situation in Mexico. And if we move away here, we could be looking at a situation elsewhere in this hemisphere that I think we could come to regret.

So, again, I appreciate the good debating points and scoring particular marks here and there. But this is one that, as the Senator from Maryland has pointed out, has monumental and profound significance. If this amendment is adopted, as I suspect it is apt to be, again, given the mood here, if it is, I think clearly those who have offered it and those who support it will have to answer ultimately if, in fact, the markets react as I think they are apt to.

That should have had a question mark at the end of it, Mr. President. I apologize to the Chair and my colleagues for that.

I thank the Senator from Maryland and I thank my colleague from New York.

Mr. President, I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Mr. President, I in no way dispute the fact that there were negotiations held by the administration, I think in good faith, with the leadership of the Congress and indeed with the Congress. The fact is, they could not build a consensus. The fact is that the congressional leaders, notwithstanding their readiness to help—and, indeed, on January 11, I did indicate that we must help Mexico stabilize the peso, the peso, to renegotiate their debt.

And I say to renegotiate their debt. I have never believed that we were going to pay off everybody dollar for dollar, speculators, investors, without knowing who they were, just to turn it over to them and say, ''Here, come on in to renegotiate this debt.''

A guy has a bond that is coming due, and we come in and give him everything, dollar for dollar? That is not renegotiating a debt. Is that the way we manage the money of the people?

I daresay, the impressive list of names who said yes, we have to help, all of them that were read—impressive. Is that what they would have done if they were representing their interests, their economic interests? Is that how they would renegotiate a debt? I do not think so.

My colleague, Senator FAIRCLOTH, has pointed out to me that not one of them would sign a note. Would they sign a note under these terms? I do not think so.

It is wonderful to say we want to help our neighbors. And, yes, I did send this—and I support it—January 11. And I said, because it is a long-term investment in growth that will improve the quality of life of all Mexicans and, by extension, the quality of life here in America, this Senator went into this with an open view, as did Senator DOLE.

Let us talk about what Senator DOLE did a month ago, because he was concerned. He was concerned in terms of how his initial readiness to come to the support of his country, in doing what was right, and his President—and it is our President.

In a letter dated March 10, he said: ''My good-faith effort in January''—and I am reading parts of it; I will put the whole letter in the RECORD.

> My good-faith effort in January to cooperate with the administration in no way should be interpreted as any protection from legitimate and responsible congressional oversight. Congress and its committees have every right, and the constitutional duty, to examine it thoroughly.

He said very specifically on January 31:

In an effort to avoid the complete financial collapse, I participated with other leaders in a statement supporting the President's use of ESF. However, this expression was not intended and should not be construed, to convey my blanket support for the underlying policies of the administration or for the economic and legal agreements that the administration will enter into. To the contrary, I reserve these judgments, and I have since cautioned the administration to be careful in its use of ESF. I have expressed deep reservations about the shortcomings of the agreement.

That was March 10.

This is from February 24. I will read into the RECORD what Senator DOLE said from part of the Congressional RECORD:

The primary focus of the stabilization plan is not aimed at reversing the fundamental mistakes of devaluation—not now and not over time. The measures described in the agreement to firm up the price of the peso seems almost an afterthought.

He is being critical of what the administration was now telling him.

It is one thing to say we want to strengthen the peso, give them an opportunity, give them a term to convert their short-term debt, to restructure.

And then to hear they are just paying off this debt. They are paying this off.

They do not address the problems of extinguishing—

This is DOLE—

The excess pesos that have been coming off the Mexican printing presses even as recently as last week.

The heart of the problem is the Mexican Government was printing up pesos. Sure, you are going to devalue it. Those printing presses are continuing today. Who is benefiting? The Mexican people are not benefiting. I would not brag that we have increased the consumption tax on working people, poor people in Mexico, by 50 percent and increased the energy tax on the Mexican people. They hold us responsible.

I want to know how that helps us. Let us not take the fact that the congressional leaders were willing to undertake and say, yes, Mr. President, go forward. Now 60 days have followed and what have we found out? We know that $5 billion has been spent. We were told initially that this plan would not necessitate our putting out any money. And indeed, Alan Greenspan said, ''If you have to draw down our money, the plan is not working.'' I am suggesting to you now that the plan is not working. They are drawing down on U.S. money.

Let us look at what this bill does. This bill does not say you cannot help anybody else to stabilize their dollar. I think, by the way, that goes beyond what was intended. I am not going to debate that. It says you can only do it to the extent of $5 billion. I hope that, later on, we will reexamine that, because I think $5 billion gives far too much authority to the administration, to the President, utilizing it as he has as a foreign aid package or as a loan package in contravention of the law.

Again, we have an obligation. Let me say, whether or not the leaders have agreed and said, ''Yes, we support you,'' they do not bind us. Congress has to vote, with all due respect. Senator DOLE is a colleague and a friend whose opinion I value. But he went on the record and said, listen, you are not doing what you told us. You are not doing it. You are not extinguishing those pesos. The printing presses are still rolling on.

Let us not abdicate our responsibility. In the next several weeks, another 30 days, there will be x number of dollars committed—another $3, $4, $5 billion—and we have reason to believe it is in that nature and it is going to be invested. I have to tell you that I did not put my vote into a blind trust based upon good will. And when we examine the good will, we find absent the facts that would have any prudent person making this kind of investment.

I daresay it is pretty good for some people as respected economists, former officials, to say they would advise that the United States do this. But it is not their money. It is easy to be frivolous with other people's moneys—taxpayers' moneys. That is what is taking place here.

So, the fact of the matter is, I could not care a whit if, at some point in time, the leaders of the Congress said, ''We will let the President handle this; he will sink or swim on it.'' I think it is more important, and I think the Constitution of the United States is important, I think the delegation of our authority—everybody here knows what is happening. Do we want to delegate our authority? Are we saying that, for all times, whoever is the President, he or she does not have to come to the Congress with this kind of appropriation that will mean $20 billion? In a rescission bill, we are looking to cut $13 or $14 billion. Here is $20-plus billion with no congressional approval. Oh, yes, the leaders came together and said, ''We think it is a good idea, and, by the way, we do not want our people to have to vote on it, so you go ahead and do it.''

Does that absolve us of our responsibilities? Is this weighty? Sure. I know I am going to be savaged and pilloried. The investment houses are going to be up there beating me up, saying, ''It is the Senator's fault.'' I did not create the corruption in Mexico or the devaluation in Mexico. I did not make the megabillionaires down there. I did not create that aristocracy that has robbed from the people for years and years. I did not create the myth that Salinas was a tremendous leader. We were told that for years by administration after administration. They said he is terrific. What terrific? His brother is involved in a killing. His Deputy Attorney General is running away with $24 million in the bank. Drugs are coming in here at unprecedented rates. Sixty percent of the narcotraffic is coming in from Mexico. The son of the former Agriculture Minister, a billionaire, is dealing in drugs.

What is going on? They say, if it collapses, they will blame you. It has collapsed. It has collapsed. When you talk about a rescue of the market that goes up 10 percent—10 percent from what? From the bottom, from the floor? It should go up. The dummies up north are sending the money in. Do we know who we are helping to restructure the debt? No. What kind of restructuring is this? Did you take Senator DOLE as saying we want to help and we understand the importance of Mexico strategically as an ally in our political hemisphere with the borders we share and the commonality of interest, our desire for freedom, and you do whatever you want? Oh, no, nobody assigned that. Senator DOLE or Congressman GINGRICH did not assign that.

Ultimately, we have a responsibility, whether we like it or not. We better well vote on this, one way or the other. If you say that you are happy with the administration, with what they are doing in committee and you want to delegate your authority, then, by gosh, vote against this. If you say, I do not want to be responsible because they will blame me for the collapse, that is up to you. The fact of the matter is they have collapsed.

The people of Mexico are angry at the United States and at their corrupt government. If Zedillo is as good as people say, let us work with him. Let us not give a blank check, as we have and as we are. Those conditions do not meet what is merely necessary. Can you imagine we take pride in the fact that Mexico, as a result of the loan we made to them, increased their tax by 50 percent on consumption? They increased their prices for energy to the poor. They brought in wage and price controls in certain sectors. Terrific. That we should be happy for? The people already have taken billions of dollars, in terms of those notes, the tesobonos, and European notes; they have come in and gotten all of the taxpayers' money, plus 20 percent—in some cases, 25 percent—and we do not even know who they are. How did that benefit the Mexican people? I want to know. How did that benefit the workers when these foreign speculators came in, took their money, and left? How did that keep Mexico and its economy from collapsing? There is some report that says the congressional leadership breathed a sigh of relief.

Is that why we are sent here? Is that why we were sent here? To duck our responsibilities? When we know darn well that the carrying out of this loan promise, as it is being done, violates the law, that it is being done in circumvention of what we, the Congress of the United States—not the leaders of the Congress, plus the administration plus the President, but the Congress of the United States has the responsibility as it relates to the authorization and appropriation of money.

From the Constitution, article I, section 9: ''No money shall be drawn from the Treasury but in consequence of appropriations made by law.''

I yield the floor.

Mr. SARBANES. Mr. President, first of all, I think it is very important to set the record straight in view of the comments by my colleague from New York that any action was taken in violation of law or in contravention of law. He may differ with a policy. That is what serving here is all about. But to charge people with illegalities is a different matter.

The Department of Justice, the Assistant Attorney General, issued an opinion that found the use of the Exchange Stabilization Fund to provide loans and credits to Mexico was legal, and that opinion supported an opinion of the general counsel of the Department of the Treasury which reached the same conclusion.

In a memorandum from the Assistant Attorney General to the general counsel of the Treasury Department, a cover memorandum to his opinion, he said:

> Prior to the execution of the agreements—these are the agreements with Mexico—we orally advised your office that in our view the President and the Secretary could use the ESF in the manner contemplated by the President when he proposed a support package. We also provided comments on drafts of a legal opinion prepared by your office for the Secretary regarding such use of the ESF. This memorandum confirms the oral advice we provided to your office. It also confirms that we have reviewed the final version of your legal opinion and that we concur in your conclusion that the President and the Secretary have the authority to use the ESF in connection with the support package.

Now, if the Senator from New York wants to attack the policy, that is one matter. But he ought not to accuse people of contravening the law unless he can lay out a case to support that. There are two strong legal opinions here, one by the general counsel of the Treasury Department and one by the Assistant Attorney General, that support the authority of the President and the Secretary to use the ESF in connection with this support package.

I want to be very clear about that. There was a saying in World War II, ''Loose lips sink ships.'' I do not see why people who are trying to do the best they can to deal with a problem and to establish a policy ought to come under attack as having contravened the law when, obviously, they had strong legal opinions both from the Department of Justice and from the general counsel of the Treasury Department that the action they proposed to take was within the authority of the President and of the Secretary of the Treasury and when, in fact, the congressional leadership agreed, as well.

In fact, they said in the statement of January 31 by the President and Speaker GINGRICH and Majority Leader DOLE and leaders GEPHARDT and DASCHLE, ''We further agree that under title 31 of the United States Code, section 5302, the President has full authority to provide this assistance.'' That is, assistance that was going to be provided under the Exchange Stabilization Fund.

So let Members quarrel if we choose to do so about the policy, but let Members not levy charges of illegal action when clearly there was none.

Let me make one final point about the policy. When the Congress indicated difficulty in arriving at support for the $40 billion loan guarantee, which was the initial proposal—the use of the Exchange Stabilization Fund was going to be half of that amount—but when they had difficulty, the leadership then indicated to the President, ''We think you should use the Exchange Stabilization Fund.''

Now, that is what happened. They went ahead with that package about 6 or 7 weeks ago. That was the plan that was put into affect in order to try to address the crisis in the Mexican economy.

Now, if people had said, ''Do not use the Exchange Stabilization Fund,'' I assume the administration would have pursued its efforts to try to gain congressional approval, which it may or may not have gained. In that debate, many of the points that are being raised here on the floor would have been relevant to reaching a judgment.

The use of the fund was a judgment the President made. The congressional leadership supported him. There was general acquiescence by the Congress. Here we are, 7 weeks later, after this plan has been put into effect, after this package has been devised, after the agreements have been reached with the Mexicans, after we have tried to get a package working, and now we are going to pull the rug out from under this package.

Now, make no mistake about it, that is in effect what is being done here. People need to clearly understand that that is the case. The fact is that we had executive-legislative cooperation to try to find a common approach to resolve this problem. It was achieved. Now we have some Members coming and seeking to undo it.

The fact is we have a program that is under way. This, in effect, would negate that program. Be very clear about that. It would negate the program. It does not have an alternative connected with it. It is not as though someone was saying, ''Well, look, I am not so sure about your program, and I have a better program. Here is my program, and it is part of this amendment. It is part of this amendment that I have before you now, right here.'' That is not the case. There is not an alternative program connected with this. This is a negation of the existing program, with all the consequences that will flow from that. And there are severe and serious consequences.

So, if the bottom line of the supporters of this program is not that Mexico can simply collapse—if that is the bottom line, I understand this amendment. Because this amendment would negate the existing program designed to avoid that collapse. It does not substitute a different program to avoid the collapse. So, if your bottom line is: Fine, it ought to collapse, then that is consistent with the amendment that is before us. That is the degree and the extent of the serious ramifications and consequences of the proposal that is before this body.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. GREGG). The Senator from New York is recognized.

Mr. D'AMATO. Mr. President, first of all, I do not recall having used the word ''illegality.'' I used the word ''circumvention.'' I certainly think that is appropriate, and I certainly think that is exactly what has taken place. I have used language in terms of the abdication of our responsibility, and I believe that to be the case.

The fact of the matter is we are talking about spending $20 billion plus. The fact of the matter is this is foreign aid, and it is a loan, and there is a real question as to whether or not those loans can be repaid. If careful reading of those memoranda of law that have been submitted justify and give to the administration its ability to go forward and is the basis, it really talks about that on page 6. It says:

> Although loans and credit are clearly permitted under ESF, their purpose must be to maintain orderly exchange arrangements and a stable system of exchange rates and not to serve as foreign aid.

We may begin splitting hairs, but let me tell you something. When you are paying off the obligations of banks, when you are paying off the obligations of a government, you are going far beyond just maintaining exchange stabilization rates.

If anybody wants to say they know we are going to get paid back, that is wrong. Indeed, that is why they set up the collateral system. Indeed, when one begins to examine and look at the nature of that collateral system, there is no lien on that oil. And if there is a default, those revenues that are in the bank at the time can be utilized, but let me suggest they are not going to be nearly sufficient to cover the kinds of defaults as we get deeper and deeper into this with loan repayments not scheduled in some areas for 7 years out.

Look, it may very well be there is no better option. I doubt that. When the question is raised, ''Do you have a plan?'' we put forth an idea. The administration rejected it. We had hearings. We had hearings where Mr. Perl testified, where Bill Seidman testified. We said we will get involved in some workout. You just do not pay people dollar for dollar. You come in, here they are.

Let me read what Tom Friedman, New York Times, March 8, 1995, wrote. It is very, very interesting:

Mexican malfunction. Mexico City. So far all that has happened is that the foreign bondholders are cashing in their bonds.

That is what they are doing. They cashed them in. And where do you think the money came from to guarantee the repayment, to get them the repayment? Plus they got all their interest. Nothing renegotiated; nobody said to them, ''Listen, we will roll this over for 10 years.'' That is how you do it. You want to say I am micromanaging? We brought this to the attention of the administration, the Banking Committee, and asked them why, long before this. It is not just 7 weeks have gone by and there is a wonderful plan. It is 7 weeks and $5 billion of American taxpayers' dollars.

Now Congress has an obligation to look and see what is taking place down there—everybody. You are happy with what is going on? Then go ahead and vote no. If you believe that we are engaged in a plan that will achieve economic stability for Mexico, that is being administered correctly, that will bring about the desired results for the United States as well, then fine.

I have not seen it. I know the printing presses are still turning out pesos. I know the political stability necessary to carry out that kind of plan never can work.

Do you think people are really going to continue to sit back and allow interest rates at 80 percent? Cannot pay their mortgages? Banks being run out of capital? Do you think this is going to work?

What kind of idea is this? And the printing presses turn it out. The pesos are still coming off the mill. But we are not supposed to raise anything because, you see, then you will be accused of being the person who blew up the economy of Mexico.

I did not do it. This Congress did not do it. The American people did not do it. And by sending $20 billion plus down there we are not going to rescue them, save them.

It was like the fable about the king who had no clothes, no suit. It took a kid saying, ''You have no suit.'' Everybody was around saying, ''Hurray, hurray.'' They were all afraid to say the king had no suit.

We are all afraid to say this program is not working. You have not demonstrated it and we have an obligation to see it, to know how these dollars are being spent. We do. We have an obligation to see whether or not this plan is going to work. I have not seen that proof to date.

I do not insert myself in here lightly. I waited and I waited. I wanted to offer legislation prior.

I have not seen anything, but I have learned things that are very distressing. I learned that the so-called underlying collateral may not be there in sufficiency to see to it that we can assure this revenue stream. I have seen that the people of Mexico have said, ''Over our dead body are you going to take our oil.'' I have seen the public relations and the polls, as it relates to the people of Mexico, blaming us for their catastrophe.

Look, this is a tough problem, but I do not think we are going about it the right way and I do not think we have the right to delegate our authority. That is what we have done. We put our votes, as it relates to appropriations, in a blind trust and have given it to the administration. If we want to do that, let us vote to do it. That is really what it comes down to.

I am not accusing people of illegality in the sense that we normally use that word. But I am saying it is an abrogation of our authority, and I am saying we have an obligation to either vote for or against the methodology in which we are proceeding in Mexico.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, there are a couple of points I would like to make, if I could, about this.

First of all, I urge my colleagues—I know it is something we do not do with great regularity around here—but I urge you to read the amendment. It is only a page and a half long, but I think it is important that Members read every word of it. The word ''Mexico'' does not appear in this amendment anyplace. So it is not just about Mexico. If this amendment is adopted, as I suspect it is apt to be, it will be effective to any country, any place. So when you are talking about a crisis in NATO or Israel or some other place—understand here what we are doing with this. By adopting this amendment here we are saying Mexico, if it were included here—you would say because you were unhappy about this plan, this would prohibit, through a program that has been in existence since 1934, the Exchange Rate Stabilization Program, for the President to respond and react.

I hope my colleagues, as they assess this amendment, would appreciate and understand the implications of this. Talking about $5 billion in Mexico is one thing. Talking about larger economies where the implications can be far more significant is another matter indeed.

President Clinton did not invent the Exchange Rate Stabilization Program at all. This has been around, as I said, for a long time. It has been used. It is designed to be used for these kinds of situations to provide some stability because it is in our interests to do so.

This is not a Christmastime, some gift we are giving away here. This is directly in our interests. Those Members of this body who represent States along the border areas are the ones who will feel it first and the hardest.

So when you send a message out here that we are walking away from this, after we encourage the IMF, the Inter-American Development Bank, and a variety of other organizations to step forward, here is our commitment on the table, what we will do, would you please join us in this effort? They say, fine, we will agree. And then 6 weeks later we say, sorry, we are going the other way.

I mean that is wonderful leadership. That is wonderful leadership, global leadership in the wake of the end of the cold war, where we run around here and our agreements only last about 60 days.

So, Mr. President, I urge my colleagues to appreciate what this amendment does. It goes far beyond Mexico. It goes to the very ability of any administration to respond to a crisis that could have significant implications on our own economy in this country.

Again, I think the points——

Mr. SARBANES. Will the Senator yield on that point?

Mr. DODD. I will be glad to yield.

Mr. SARBANES. What is an administration to do? They come to the Congress with a package. Then the leadership said we are having some difficulty with that package, why do you not use the stabilization fund?

They get legal opinions saying they have the authority to use the stabilization fund. They get strong support from the leadership and a general acquiescence from the Congress. Let us be honest about it, that is what it amounted to. Most Members of the Congress said, ''If the President wants to take the risk and the burden, you know, let it fall on his shoulders and in that way we will deal with the Mexican problem but I will not be directly implicated, as it were.'' So they move ahead with it and there is a rescue package in place.

Now people come along with an amendment which will destroy that rescue package. Make no bones about it, that is exactly what it will do. They do not have an alternative rescue package. They are negating the existing one, unconnected to a replacement package. So, in effect the consequences of a collapse run directly with this amendment, in my judgment.

This is serious business we are talking about here. This is not simply making sort of political points. This is not simply doing oversight, where you put them on the griddle but, you know, the policy continues. This is ending the package and taking the consequences. Is that not correct?

Is that correct?

Mr. DODD. The Senator from Maryland is absolutely correct. It deserves being reiterated. Just consider, and for most people it is not difficult to connect all the dots. Everyone agrees we should do something. The administration was told by the leadership you cannot get something through Congress. They come up and say, ''Why don't you use the ESF fund?'' The leadership says, ''That is a great idea. We support you. We back you. Go out and get other people to support it around the globe.''

So we have an international response. It is not just the United States stepping forward. The President says, ''Thank you. All right. I will try that.

I will assume all the responsibility.'' No one has cast a vote on this because they were told by the new leadership that you cannot get the votes up here. ''We cannot produce the votes for you. We agree with you. We cannot produce the votes. You take a dive into the pool.''

Now, 6 weeks later, to turn around and say, sorry, we want to absolutely destroy the very idea at the very hour, I reiterate, when there are clear indications that it is beginning to work. If the economic indicators and market responses are accurate in the last 6 days, this is beginning to produce the desired results that we all sought. And right at the very moment that we are getting those kinds of results, we walk in and say, ''Sorry. We do not like it anymore up here.'' What kind of leadership is that?

What kind of leadership is that to devastate, not just here, I tell you, but as pointed out by knowledgeable people, capital is cautious. It is very, very cautious. When the markets see and investors see a schizophrenic Congress, when it comes down to making decisions about whether or not it is going to stick up and stay with something they recommend, that capital does not just depart the target country that is the subject of this debate; it gets skittish all over the world.

There is enough ample evidence to support exactly that. We have seen just in the last few weeks reactions in Argentina, Chile, Brazil, Hong Kong, in Singapore, and South Africa—all of which have reacted to the Mexican situation. That is now beginning to stabilize because it is beginning to work.

The adoption of this amendment—and my view is that it will be adopted because it is the popular thing to do, I suppose, to go along. If that is the case, then the implications in these other markets, I think, will be felt. Who gets hurt by this? Certainly, these countries do. But do you know who gets hurt most of all? We do. It is a self-inflicted wound on American business, on jobs in this country, if this is adopted.

So, Mr. President, I again respect people disagreeing with various aspects of proposals. We had a good hearing a few weeks ago. The Senator from Maryland is absolutely correct. We had excellent testimony from Jack Kemp, who came. He would have preferred that the exchange of funds be used to buy pesos. But he prefaced his remarks by saying you have to stay involved here. This is the right course to be followed. He disagrees with the specifics of a program.

We heard from Alan Greenspan. Every responsible individual who has looked at this issue, regardless of ideology or politics, has said this is the right course to be following. It is in our interest to be following it, and particularly when this institution's knees buckled 60 days ago, and we said we cannot face up to this issue. But leadership said to go ahead and do it; we back you.

Then, once they go off a course recommended by the leadership, and then to turn around and say we are now going to pull the rug out from underneath you, that is the height of irresponsibility. The implications of it which we will have to bear are those who vote for this support it, when you get the kind of market reaction we may have seen already just as a result of the debate that goes on. There is a place for raising these issues and discussing them, and trying to look at it differently. I do not think this is the proper way to be going about it.

Mr. KENNEDY. Mr. President, will the Senator yield for a question?

Mr. DODD. I am glad to yield to my colleague.

Mr. KENNEDY. I think many of us believe that the issue which was going to be before the Senate was the rescission issue. I know Senator DASCHLE had an amendment which many of us were interested in that involved children, involved education, involved whether we are going to see continued reduction in children's programs and support for education, funds that may very well be used in terms of reducing taxes. The real debate and discussion on the whole question of the Nation's priorities was going to take place.

I am just wondering about this measure here. What exactly does this measure have to do with the broader issue of rescissions and the issue that I thought we were debating and which been scheduled by the leaders and which many of us thought we were going to have an opportunity to exchange views on here this afternoon?

Mr. DODD. Mr. President, I say to my colleague, this has absolutely nothing to do with it. The Senator from Massachusetts is absolutely correct. The Senator from Oregon is with us, the chairman of the Appropriations Committee. The matter before the body was the rescissions package. Frankly, like probably most of my colleagues, I was prepared to come over and give a speech on the rescissions package. I have the speech. I will be delighted to give it at some point.

This matter came up. Frankly, I say to my colleague from Massachusetts, were this an amendment not necessarily of great import, I would say we move on. But I have to say to my colleague from Massachusetts, now that the matter has been raised, it is significant. This is not an insignificant amendment.

So I regret that we are in the middle of it. The Senator from New York is exercising his right as a Member of this body, of course, to raise an amendment. That is his right, and I certainly would fight to protect his right to do it. He is doing exactly what he has a right to do. I do not disagree with him exercising that right. I have done it myself on other matters in the past. But the fact of the matter is the Senator from Massachusetts is correct. This has nothing to do with the rescission package.

Mr. KENNEDY. Mr. President, the reason I raise this is because there has been a good deal of at least talk about how we are going to finish this particular measure, and what period of time, and that we hope we will have a good debate and discuss some of these matters, but that we are not going to have prolonged debate and discussion on some of these measures.

Here we are now, well into the afternoon. The schedule is complicated by Members having at least made appointments in other parts of the country, and the rest. But I am just wondering, on a measure of this importance—I see a member of the Foreign Relations Committee, the Senator from Connecticut, as well as the Senator from Maryland. This was a measure which was reported out of the Foreign Relations Committee.

Mr. DODD. I say to my colleague from Massachusetts that this is a matter which has obviously foreign policy implications. But the jurisdiction of this particular approach comes out of the Banking Committee.

Mr. KENNEDY. Both Members are on the Banking Committee.

Mr. SARBANES. Will the Senator yield for a moment?

Mr. D'AMATO. Senator DODD had the floor.

Mr. DODD. I am glad to yield to my colleague from Maryland.

Mr. SARBANES. This amendment is not related——

Mr. D'AMATO. Is that for a question, Mr. President? If it is not, I will object.

The PRESIDING OFFICER. Does the Senator from Connecticut yield for a question?

Mr. DODD. I yield for a question, certainly.

Mr. SARBANES. This matter that has been offered by the Senator from New York is not relative to the rescission bill; is that correct?

Mr. DODD. The Senator from Maryland is absolutely correct. It has no relationship whatsoever to the rescission.

Mr. SARBANES. Is it not true that the Senator has the right to offer the amendment, since under the rules of the Senate, you may offer an amendment to a measure that is not relevant to the measure? Generally, there is a certain amount of self-restraint practiced around here, so that you do not completely exercise your rights to the fullest. But the Senator has the right to offer it, if he chooses to do so, even though it is not relevant to the measure; is that correct?

Mr. DODD. The Senator from Maryland is absolutely correct. The Senator from New York has the right. As I said a moment ago, I would certainly defend very strongly his right to offer this amendment. I disagree totally, completely with the substance of it. But normally——

Mr. SARBANES. One could also raise a question whether even if you have the right, you ought to exercise it. You do not always exercise every right to

the fullest, and there should be some restraint.

Is it not the case that this amendment, in effect, raises the whole basic question about responding to the Mexican economic crisis, and that a proposal of this sort, if it is to be considered, ought to have extensive consideration? This is not a minor matter that should simply be dealt with in an hour or two in this Chamber. This is a major proposition that ought to be carefully examined. Does the Senator agree with that?

Mr. DODD. I completely agree with my colleague from Maryland. You would have thought—and again, the Senator from Maryland and I are in the minority. The amendment is being offered by the chairman of the committee of jurisdiction. The chairman of the committee of jurisdiction certainly has it within his power to set a markup. It would be one thing—if you are the minority, you do not always have the rights, but when you are the chairman of the committee and in the majority, certainly setting a markup, scheduling a debate, proceeding through the normal course in which we do business around here would be an appropriate way at least to proceed.

I still have a strong disagreement, but to have the majority, the chairman of the very committee with jurisdiction bring an amendment to the floor without even going through his own committee is, I point out to my colleague from Maryland, a little out of the ordinary.

Mr. SARBANES. Will the Senator yield for a further question?

Mr. DODD. I will be delighted to yield.

Mr. SARBANES. Is it not reasonable to assume that if we had followed the normal process and come through the committee and a measure of this sort had been brought to the floor, the debate and the examination of that measure might well take days? That would then be a major item on the calendar of the Senate, would it not, since this is a major issue? It is not as though it is the kind of proposition that the Senate would dispose of, if it was dealing with this freestanding, in an hour or two. The Senate, in effect, would recognize it as the major item to be considered in the particular week in which it was going to be brought up, would it not?

Mr. DODD. I say to my colleague from Maryland, not only is he correct in that, but there is ample evidence to support it. The Speaker of the other body, when asked whether or not he could bring the matter up, 60 days ago said it would take at least 2 weeks, 2 weeks to even raise the issue and discuss it with the Members of that body, to determine whether or not they could bring it forward.

So the Senator from Maryland is absolutely correct. This would be a significant, lengthy debate in this body that would probably go on for a number of days, not a couple of hours, on a floor amendment offered to a rescission package.

Mrs. BOXER. Will the Senator yield to me for a question?

Mr. DODD. I will be glad to yield to my colleague from California.

Mrs. BOXER. I wish to thank the Senator for coming over. We served together in the Banking Committee. I do have a question. And, of course, to my chairman, who has long been concerned about this issue, I want to say that I share a lot of his concerns.

I think the question is, Is this the appropriate way to handle this matter? I say to my colleague and friend from Connecticut, a long time ago I used to be a stockbroker, and the one thing that just set the markets off was indecision, change, of course, instability, and the need that America stick with its decisions. I just feel that doing this in this fashion without, as the Senator from Maryland has stated, ample debate and bipartisan discussion, could set the markets off, the markets all over the world. And it is something that I fear, frankly.

I share my chairman's problems with this whole issue. I think that he is right to raise them, but I am very concerned that if we do this today, the message will go out that America's word is no good, that there is a division here, and I am concerned about the financial and economic impact all over in the world markets.

I ask my colleague if he shares that concern.

Mr. DODD. I say to my colleague from California, the point she raises is an important one. When we had the hearing a few weeks ago—and a good hearing, I would point out—on this issue with the testimony of a former colleague, Jack Kemp; the Chairman of the Federal Reserve Board, Alan Greenspan; former Chairman of the Federal Reserve, Paul Volcker; along with Bob Rubin, the Secretary of the Treasury, and others, I asked the question about what was the most significant, important element in all of this, regardless of the particular plans.

And the word they all agreed on was ''confidence,'' the point having been raised by others who understand economic issues that there is nothing more cautious than capital, and when there is a lack of confidence, that capital lacks confidence. Whether it is domestic capital in Mexico or foreign capital that Mexico is trying to attract or investors are trying to bring in, if there is a lack of confidence in those who should be acting with responsibility in a leadership capacity to try to avoid the kind of crisis that could be devastating for us, then it seems to me you are going to have the predictable results.

Paul Volcker may have said it best in response to a question of my colleague from California.

> Surely this committee is justified in carefully reviewing the approaches taken in this crisis and achieving full understanding of the precipitating events and the responses to them.

I do not have any disagreement with my colleague from New York raising those issues.

> What would be inappropriate, as I see it, would be to either attempt micromanagement of the use of the ESF or to so constrict its future use as to render it ineffective in the face of future crises which, if history tells me anything, are sure to reoccur.

I point out to my colleague from California that the amendment offered by the distinguished Senator from New York does not mention Mexico. It applies to all situations globally. And so here we are saying, regardless of the crisis, wherever it may occur, that the President cannot react with the stabilization fund that has existed for 60 years, since 1934, that every President has used. So even if you agree with the point of our colleague from New York on Mexico, which I hope a majority does not, but if you did, the adoption of this amendment applies to everybody on the globe.

Mrs. BOXER. Will my friend yield then for a further question? In other words, what the Senator from Connecticut is saying is that the amendment deals with each and every country in the world?

Mr. DODD. There is no country specific in here. In fact, the amendment specifically says, I say to my colleague, that:

> . . . the Secretary may not take any action under this subsection with respect to a single foreign government (including agencies or other entities of that government) or with respect to the currency of any single foreign country that would result in expenditures and obligations including contingent obligations [of] $5 billion.

It is global in effect.

Mrs. BOXER. So, as I understand it, if a crisis were to develop, let us just say in Israel, as an example, or Ireland——

Mr. D'AMATO. Italy.

Mr. DODD. Italy.

Mrs. BOXER. We will take Italy as an example.

Mr. D'AMATO. Greece.

Mrs. BOXER. I think this is an important point. We are legislators here. We ought to know what we are doing. If a crisis were to develop in a country, and the world leaders got together and said we must act quickly—and let us say it was when Congress was not in session, and these things do occur; I have seen wars break out when Congress is away—then our President would really be there in form only, because in reality he could not act along with other world leaders if there was such a monetary crisis. Is that correct?

Mr. DODD. As I read the amendment, that is the case, because it is not country specific. It does not address Mexico. It says a single foreign country. That is pretty broad, to put it mildly.

Mrs. BOXER. I thank my colleague.

Mr. HATFIELD. Will the Senator yield for a question?

Mr. DODD. I will be happy to yield to my colleague.

Mr. HATFIELD. My question is to the Senator from Connecticut as to this colloquy that is being engaged. Could I get some idea about how much longer the Senator will hold the floor? I ask the question in order to move this bill. I would like to be able to ask for unanimous consent, and receive unanimous consent when I do have that chance, to temporarily set this amendment aside, that other amendments may be taken up.

I only want to put that in the total context. The Senator from Connecticut was here a few years ago when I chaired this committee and we had a humongous continuing resolution. We started at 10 a.m. one day, and I stood here until 2:30 the next afternoon, but we finished it. And I have now the backing of the Republican leader that we are going to stay here today and tomorrow, for however long, to finish this bill.

We have been over 3 hours on this issue, and I think we have had aired an awful lot of the parts of this very complex issue. I would like to be able to temporarily lay it aside in order to get Senator MURRAY of Washington State into the next amendment in preparation for an amendment of the minority leader, Mr. DASCHLE, that deals with more precisely the details of this particular bill.

So I am asking for this kind of cooperation. By the same token, I must add, I think if I get that opportunity for unanimous consent, I will ask for 3 minutes on Senator D'AMATO's behalf to respond to these most recent comments made by the Senator from Connecticut and others on that side, and then get this set aside, if the Senator will yield for that purpose.

Mr. DODD. Let me say to my colleague from Oregon, the chairman of the Appropriations Committee, I hold him in tremendously high regard. I have enjoyed immensely my association with him.

I did not initiate this debate. I say to my distinguished colleague from Oregon, I was prepared to come over and address with a floor speech the rescission package.

I have been put in this situation because our good friend from New York has raised this amendment on the Senator from Oregon's bill. It is not an insignificant matter. I wish it were. I would have no difficulty whatsoever.

But I, as a Senator, have a responsibility on something that I think has tremendous implications if left in the present status and adopted, as I am fearful it is apt to be, in terms of what happens after that.

Now the rescission package is important. It is critically important. If we adopt this amendment, and the implications occur, it dwarfs the implications of the rescission package.

Mr. HATFIELD. I understand the Senator's position. I am not suggesting we dispose of this amendment at this moment.

If we could set it aside temporarily, it means it comes back at a certain time, too, for final disposition. I am not suggesting to the Senator that we have final disposition at this moment.

Give us a breather, is what I am asking, so that we can take up these other amendments. Because we are going to be here. We have probably 30, 40 amendments. Again, I cannot be more forceful than to say we are going to stay here. And when it comes to be 1 a.m. tomorrow morning, everybody is going to be wondering why we are here.

I am just saying that, this morning I made the comment and I am making it again at 2:20, no one has to question at 1:30 tomorrow morning, if we are here: Why are we here? We are here because we have been stalled on this particular amendment at this time.

We have had time agreements on every other amendment we have had on this floor. We are going to be paying the price at 1:30 tomorrow morning. I merely want to make that clear.

I am not asking the Senator to just to set this aside to dispose of it, but to set it aside temporarily. Maybe at 2 a.m. tomorrow morning we will dispose of it faster, if we are here.

But I do say that we have to get on with the business. I am trying to now chair a conference committee with the House on the first appropriations bill. We are trying to manipulate our chairmen, who are meeting with their chairmen, back here on the floor to take care of these particular amendments. It is no easy task. But, nevertheless, we have to have the cooperation of all the Members of the body to dispose of the business.

Mr. SIMON. Will my colleague from Connecticut yield?

Mr. DODD. Yes.

Mr. SIMON. I thank the Senator for yielding.

In response to my friend from Oregon, before I would agree to unanimous consent to set it aside, I would like to speak for 10 minutes.

I would also suggest to my friend from Connecticut not to set it aside until we get word from the President. I think just setting this aside leaves it in limbo and is going to cause great problems in Mexico right now. I think we ought to get word from the President of the United States that if this in here, this is going to be vetoed. So that we can assure the markets in around the world that we are not about to destabilize the situation in Mexico through irresponsible action on the floor of the United States Senate.

Mr. SARBANES. Will the Senator yield?

Mr. DODD. I am glad to yield to the Senator.

Mr. SARBANES. I think there is a great deal of force in what the chairman of the committee has just stated, and I obviously recognize that.

I think it is very important to underscore a point made by my colleague from Connecticut. We did not bring this amendment here. I mean, this amendment has enormous consequences associated with it, as my good friend from Illinois has pointed out. It was not placed before the body by those of us who have been speaking now for——

Mr. HATFIELD. Three hours and 15 minutes.

Mr. SARBANES. No, no, no.

Mr. HATFIELD. Since this amendment came to the floor.

Mr. SARBANES. Yes. But we have been speaking for about an hour. We are very much on the down side of that time with respect to addressing this amendment.

Mr. HATFIELD. Will the Senator agree to a time agreement?

Mr. SARBANES. That is the point I wanted develop further, because the Senator is asking to set it aside. It seems clear to me, as I said earlier, this is the kind of proposal which, if it were here on its own as a bill reported from the committee, would be debated for a number of days, because its consequences are that momentous.

The Senator from Connecticut is absolutely right when he said the bill, the rescission bill, is important, but its importance is dwarfed by the potential consequences of this measure.

I think that needs to be understood. One way to make it understandable, of course, is, when we come to grips with a measure, to have the kind of debate that is required with an issue of this importance. Now that can happen now or it can happen later.

I understand the concerns of the chairman of the committee, but I do not think there should be any laboring under some misapprehension that by setting it down the road you are somehow going to change the dynamic of the concern about the consequence of the amendment if it came at that time.

Mr. HATFIELD. Will the Senator yield?

Mr. SARBANES. And the 1 o'clock in the morning can be 1 o'clock, it can be 3 o'clock and so forth. This is a tremendously consequential amendment that is before us.

Mr. HATFIELD. Will the Senator yield a moment?

Mr. SARBANES. Yes.

Mr. HATFIELD. I understand the Senator's position. Perhaps we could work out a matter whereby we set it aside and then let this minifilibuster, if that is what I hear being stated, continue on. I will remain and let it happen, say, from 12:01 a.m. tonight until 5:30 a.m., or whatever hour tomorrow afternoon, and then we will come back and have a vote.

Why keep everybody here on the floor of the Senate throughout the night while a few engage in a minifilibuster? That is all I am asking, to be considerate of our colleagues, and then move this bill on through.

The PRESIDING OFFICER. The Senator from Connecticut has the floor.

Mr. DODD. Let me say to my colleague from Oregon, it is not lack of consideration on the part of the Senator from Maryland and myself. It a because of an amendment that has nothing do with the substance of the legislation brought to the floor by our wonderful colleague from Oregon.

Mr. HATFIELD. If the Senator will yield, I have the assurance from the author of the amendment to temporarily lay it aside.

So one can say, sure, it takes a joining of two groups or two adversaries to an issue to make a filibuster. He is willing to stop this matter and get on with the other business of this bill, and to return to it at whatever hour is necessary to return to it.

I am only getting a resistance to cooperating with getting this bill underway and getting to other amendments before us from the speakers at the moment.

Mr. SARBANES. If the Senator would yield.

The PRESIDING OFFICER. Is the Senator yielding for a question?

Mr. DODD. Yes.

Mr. SARBANES. Yes, for a question.

I listened carefully to the chairman of the Appropriations Committee. As I listened to him, my concern increased, it did not decrease, I have to say to my good friend from Oregon. If, in effect, what you are saying to me is, by setting it aside, we will then structure this thing so we will go back to it at 1 o'clock in the morning, or whatever time when we will not discombobulate all of our colleagues and inconvenience them. And then those who are supposedly engaged in a minifilibuster, which I would not view it as such—we did not offer this amendment. I think it is irresponsible that this amendment is before us. It is not related to this bill.

Mr. HATFIELD. But, Senator, you have now joined the issue, so you are a part of this problem we face.

Mr. SARBANES. That is right, we have joined the issue. But the irresponsibility of this situation rests upon the offerer of the amendment, not by those that are responding to the amendment. And I am not going to have that responsibility shifted in the course of this discussion.

Mr. HATFIELD. It is not to shift that responsibility. Will you agree to some kind of a time to set this matter aside when we have one side, the author, willing to do so?

Mr. SARBANES. Why does the author not withdraw the amendment? Why does the author not withdraw the amendment and the consideration of the rescission bill can proceed?

Mr. HATFIELD. Because the author has a right to bring this up, as other amendments have been brought up that may not be relevant.

Mr. SARBANES. Let him withdraw it. He can offer it later, if he chooses to do so.

The PRESIDING OFFICER. The Senator from Connecticut has the floor.

Does the Senator wish to yield for a question? He may ask unanimous consent to do that. But at the time, however, he has not yielded the floor.

Mr. DODD. Mr. President, I will underscore the point made by our colleague from Maryland. This is a situation that the chairman finds himself in, and it is not one created at all. This is significant. I know that every chairman who brings every bill to the floor thinks that the matter they are handling is the single most important issue facing mankind. I have certainly been in that situation in a subcommittee capacity.

With all due respect, I must say that this amendment before us now is of far greater importance, in many ways, than the rescission package, as important as that is. To relegate this debate to some wee hours of the morning when we may bring it up again—I appreciate the dynamic in order to try to move the process.

There is a simple way in which this can be addressed. Withdraw this amendment and schedule time for this to be raised on the floor as a freestanding proposition. We can allocate a day or so to fully explore whether or not this body wants to undercut and absolutely destroy an economic proposal and package that has enjoyed wide-based support—which can do significant economic damage to our country and to others. I do not think that is insignificant. That is the way to handle this, not to insist that those of us who have been put in a position of defending a proposal we think makes sense for our country and this hemisphere all of a sudden relegate our debate time to the wee hours of the day to satisfy amendments to a rescission bill that is of marginal importance by comparison.

I hope that our colleague will say, look, I will withdraw that amendment now. The yeas and nays have not been asked for. It does not take unanimous consent. I could have asked for the yeas and nays earlier. We can get back to the rescission bill and the chairman will not have the problem.

I am not going to give up the floor on this particular amendment with the idea that some time at 2, 3, or 4 o'clock in the morning we are going to have a debate around here on a critical matter that could face this country. I did not put you in this situation. That can be easily resolved by the author of the amendment withdrawing it and scheduling it for another time. That is the only way I see of resolving this.

Mr. HATFIELD. If the Senator will yield, we are going to be finalizing this bill at, perhaps, the wee hours of the morning. I am not relegating this amendment to any particular time. I am saying we are going to finish this bill if it takes all night.

All I am asking now is to temporarily lay it aside, and at any time after the next amendment is adopted, this is still the pending business, so it would return. We will have to get unanimous consent to set it aside again. So the Senator is not losing any kind of advantage or parliamentary position by yielding for this purpose and to temporarily lay it aside.

Mr. DODD. I would be happy to yield to my colleague, if he wants to raise the question with the author of the amendment. I would like to know publicly whether or not my colleague from New York is willing to withdraw the amendment at this point.

Mr. HATFIELD. I have found that under circumstances of this kind, if we can shift gears, shift the subject for a little while, an hour or two, that sometimes we cool down, in a way, in our devotion to the issue and we are more amenable to making some kind of an arrangement.

I am asking for a timeout to try to talk to the parties and see if we can reach some kind of a solution. As long as we keep this rhetoric from both sides going, we dig ourselves into a deeper pit. I do not want to start saying at 3 o'clock in the morning we have finally exhausted ourselves and we are now going to sit down and talk about it. I would rather see us talk about how to resolve it now and set it aside in order to do that, so we can get the parties together. That is all I am asking.

Mr. DODD. I thank my colleague. I say again, and it deserves repeating, that we are only in this situation because our colleague from New York raised this matter on a bill that has nothing to do with Mexico. The amendment has nothing to do with the rescission package. We can resolve it by withdrawing the amendment and then moving on to a lengthy discussion on the rescission package, given all of the amendments that are pending.

The rhetoric has not been terribly heated. We disagree about this, but this has not been an acrimonious debate. There is a legitimate difference of opinion as to whether or not we ought to go forward with the economic stabilization approach that was broadly supported, ironically, by everybody around here. This was not done in the dark of night. This is a proposal that enjoyed the endorsement of the majority leader of the Senate and the Speaker of the House, who urged the President to step forward and do it. Now we are turning around and watching an effort to undo it 60 days later. So it is not insignificant. I make that point as forcefully as I possibly can.

I do not desire to filibuster on this issue, but rather to have an important debate and discussion because of the implications of it. So it is not my desire here to take up time unnecessarily, but so that our colleagues fully understand the implications that if the D'Amato amendment is supported here and becomes the law—in fact, just the mere adoption of it, I think, will probably produce the kind of predictable results that I think it is important we have that full debate and discussion on. Maybe I am in a minority on that particular point of view. I feel very strongly that any savings we may get out of

the rescission package could be absolutely wiped out, in effect, by the actions we take on this amendment. So in terms of the implications of the American taxpayer, this single debate, as short as this amendment is—a page and a half—it can have very profound implications on this.

I am happy to possibly impose a quorum call here so we can have a minidiscussion, as my colleague has suggested, on the matter. But I must tell him in advance that I think postponing and delaying this for another 2, 3, 4, 5 hours—I am worried about what that itself does in terms of how markets are apt to react. I have such respect for my colleague from Oregon that I am more than willing to listen to his advice and thoughts on the matter.

Unless others want to talk on the amendment, I am prepared to suggest the absence of a quorum. I see people standing, so I do not want to do that at this juncture. But I will when the remarks are completed on this matter and we can have an opportunity to talk about it.

Mr. D'AMATO. Mr. President, I am going to keep my remarks, as I have indicated to the chairman, to a minimum. I am compelled to respond.

No. 1, the question in terms of relevance. I think it is absolutely, totally relevant. Here we are talking about—as the Senator from Massachusetts raised—the issue of cutting programs for women, children, and others. And I am saying, what about the American taxpayers? What about the hard-working middle class? We are sending money to programs of dubious value, reclaiming tesobonos for speculators, for people who made investments, which does not seem to me to be the right way to go.

As it relates to the question of $5 billion, I deliberately kept it that high. Let me tell you, in the history of this fund, never once has it gone over $550 million for any other country other than Mexico. Not Israel. Not Italy. Not Ireland. Let us bring in Greece and every ethnic community there is, including Russia. Not once. Mexico, one time, $1 billion. Only Mexico. So we went to $5 billion. Now if we want to make it Mexico specifically, I have no problem with doing that. The principle is whether or not this is a delegation of our constitutional authority. That is what we are down to.

I am more than willing to put the matter over. But in terms of relevance, I think it is very relevant. Here we are cutting 12, 14, 17 billion dollars' worth of programs, and some of them arguably are good programs. Yet, we are shipping off at the same time, watching it take place—by the way, in several weeks, maybe another $5, $6, $7, $8 billion will go down to Mexico. So I am saying, hey, fellows, let us look at this. Members of the Congress, let us look at this and see whether we want to continue the delegation of our authority in this matter.

I yield the floor.

Mr. SIMON. Mr. President, I rise in strong opposition to this amendment. We are dealing with economic dynamite here. And the very discussion has to be disquieting to a lot of people in the financial markets around the world. Senator BOXER made a very good point just a few minutes ago when she asked about the stability of the United States. People wonder, can we stay the course on things?

It is no accident that just a few days ago, we saw the worst trade figures we have had for a long, long time. And those trade figures were caused, to a great extent, by the peso crisis in Mexico.

Mexico has been a country where we have sold more goods than we have imported. The future of Mexico is tied in with the jobs.

Senator D'AMATO talks about working men and women in the United States. We want to protect those jobs and help Mexico protects those jobs.

I will add a couple of other points, Mr. President. It is easy in this kind of climate to find scapegoats, when people are having a tough time making a living. What has happened in our society is happening in every society: As the demand for unskilled labor is going down, the demand for skilled labor goes up.

As that happens and people lose their jobs, they look around: Whom can we blame? Part of it is translated, I regret to say, in terms of race in our society. There are people down on affirmative action, saying, ''We are losing our jobs because of African-Americans,'' or because of others. Mexico becomes an easy scapegoat for a lot of people who do not understand the realities.

The drop in the dollar that we experienced here a few weeks ago, to the extent that Mexico was involved, is because of our debt and our deficit. Ordinarily, a $20 billion loan guarantee would not mean anything for a country with a $6 trillion economy. Mexico is not the primary problem.

I will underscore a point that Senator DODD made. This does not refer to Mexico. It says, ''We can't make loan guarantees except as authorized by an act of Congress.'' Say on November 1 of this year, we recess until January. Say on November 10, there is a crisis in the British pound sterling. The United States is frozen. The most powerful economic Nation in the world, which will have so much at stake, could not do a thing. That just does not make sense.

Finally, I say to my colleagues, this is not the kind of an issue where we ought to be pandering to public opinion. There are issues in which all Members in politics pander to public opinion, but with this one we are dealing with something that really goes to the heart of the economic survival of this country and other countries.

I urge my colleagues to look back to something that happened some years ago—Senator BYRD was here; I do not think Senator HATFIELD was—when General Marshall, in a Harvard commencement, announced the Marshall plan. Harry Truman was President of the United States. The first Gallup Poll that was taken after that showed 14 percent of the American public supported the Marshall plan. It was extremely unpopular.

We look back on it now and boast about how we saved Western Europe from communism with the Marshall plan. It is something we can be proud of. But it took the U.S. Senators, who had the courage to do what was not temporarily popular, to do that.

Particularly because Harry Truman at that point was dealing with a Republican Congress, it took Senator Arthur Vandenberg from Michigan to stand up and say this issue is more important than temporary public opinion or the Republican Party or winning a Presidential race.

Arthur Vandenburg did the right thing. The country moved ahead. It is one of the great acts of our country in the history of our country.

On an issue that is this volatile, we had better do the right thing and not ask ourselves what will the polls say back home. This is an amendment that ought to be resoundingly defeated.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. HATFIELD. Mr. President, I am going to propound a unanimous-consent agreement. I believe that both sides will indicate support.

I now ask unanimous consent to temporarily lay aside the D'Amato amendment for the consideration of an amended amendment by Senator GORTON and Senator MURRAY, raising an amendment to that; that there be an hour equally divided; and then we return back to the status where we are now, with the D'Amato amendment the pending business.

This would incorporate an amendment by Senator BURNS to the Gorton amendment, which is about a 90-second action; there would then be the hour divided equally between Senator MURRAY to offer an amendment, and Senator GORTON; then return again to the status where we are now. And, in the meantime, maybe we can find some way to resolve the current status.

Mrs. MURRAY. Mr. President, reserving the right to object, it is my understanding that the unanimous consent will include language that says there will be no second-degrees to the Murray amendment?

Mr. HATFIELD. I am sorry, I did not hear the Senator.

Mrs. MURRAY. Is it my understanding that the unanimous-consent language will agree that there will be no second-degrees?

Mr. HATFIELD. And there will be no second-degree amendments to the Murray amendment. In other words, in the regular form.

Mr. DODD. Mr. President, reserving the right to object and I do not intend to object, but I just want to make it as clear as I possibly can that, while I am agreeing at this particular juncture to this approach to accommodate our colleague from Montana and a colleague from the State of Washington as well, I hope we could come to closure on the D'Amato amendment. Because I do want to make it clear that this is a matter which I take very, very, very seriously. I understand the desire of everyone to move on to the rescission package.

This was not my intention to have this amendment come up. It is up before us. But I do not intend for it to be disposed of within an abbreviated debate. I am not suggesting a filibuster here at all. But it is an important matter that deserves a lot of consideration.

So, while I am agreeing to this particular unanimous consent at this juncture, no one should interpret this agreement on this particular amendment to mean I will agree to future such requests. I say that with all due respect to my colleague from Oregon.

Mr. SARBANES. Will the chairman yield for a question?

Mr. HATFIELD. I will.

Mr. SARBANES. It is my understanding, then, that upon completion of the Murray amendment, which will take an hour—at least there is an hour of time for consideration of the Murray amendment—and then I take it there may be a vote? Or not?

Mr. HATFIELD. I think so.

Mr. SARBANES. At the end of that we would be back on the D'Amato amendment, in the exact posture in which we find ourselves?

Mr. HATFIELD. The circumstances of this moment will not be changed. They merely will be postponed for an hour.

The PRESIDING OFFICER. Without objection, the unanimous consent is agreed to.

Mr. HATFIELD. Mr. President, I would like just a moment to thank Senator DODD and Senator SARBANES and others for cooperating on this, and Senator D'AMATO on our side as the author of the amendment.

Once again, it will be a Burns amendment to the Gorton amendment, and then Senator MURRAY will offer an amendment as a probable substitute. So that means no second-degree amendments to the amendment of Senator MURRAY.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 428 TO AMENDMENT NO. 420

(Purpose: To broaden areas in which salvage timber sales are not to be conducted)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS] proposes an amendment numbered 428 to Amendment No. 420.

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

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

The amendment is as follows:

On page 69, strike lines 7 through 10 and insert the following:

''(A) expeditiously prepare, offer, and award salvage timber sale contracts on Federal lands, except in—

''(i) any area on Federal lands included in the National Wilderness Preservation System;

''(ii) any roadless area on Federal lands designated by Congress for wilderness study in Colorado or Montana;

''(iii) any roadless area on Federal lands recommended by the Forest Service or Bureau of Land Management for wilderness designation in its most recent land management plan in effect as of the date of enactment of this Act; or

''(iv) any area on Federal lands on which timber harvesting for any purpose is prohibited by statute; and''.

Mr. BURNS. Mr. President, this is a perfecting amendment to the Gorton amendment that merely accedes to the House language of the bill in the timber harvest. The House-passed bill contains language regarding lands which are exempt from the timber provision. However, the language as reported out of the Senate Committee on Appropriations is more limited than that passed by the House. So my amendment is the same language as that of the House, as it was passed through the House of Representatives.

It exempts land designated by Congress for wilderness study in Montana and Colorado, Federal lands recommended by the Forest Service or Bureau of Land Management for wilderness designation in its most recent land management plan in effect; the Federal lands on which timber harvesting for any purpose is prohibited by statute.

In other words, what this does is prevents harvesting timber inside of now-designated wilderness areas, those study areas, and also those areas that have been proposed for wilderness by any forest plan that is now in effect under the forest plan. I believe this amendment addresses most of the concerns that have been raised by my colleagues. I hope the Senate will accept my amendment.

I thank Senator GORTON of Washington for allowing me to perfect his amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, this amendment conforms the section of the proposal in the bill to what the House has passed. It clearly exempts wilderness areas and the like from the effect of the legislative language in the bill and I believe that, while the opponents to the whole section do not like it, they do like this addition.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 428) to amendment No. 420 was agreed to.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 429 TO AMENDMENT 420

(Purpose: To require timber sales to go forward)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 429 to amendment No. 420.

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

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

The amendment is as follows:

On page 68, strike line 9 and all that follows through page 79, line 5, and insert the following:

(a) DEFINITION.—In this section:

(1) CONSULTING AGENCY.—The term ''consulting agency'' means the agency with which a managing agency is required to consult with respect to a proposed salvage timber sale if consultation is required under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(2) MANAGING AGENCY.—The term ''managing agency'' means a Federal agency that offers a salvage timber sale.

(3) SALVAGE TIMBER SALE.—The term ''salvage timber sale'' means a timber sale—

(A) in which each unit is composed of forest stands in which more than 50 percent of the trees have suffered severe insect infestation or have been significantly burned by forest fire; and

(B) for which agency biologists and other agency forest scientists conclude that forest health may be improved by salvage operations.

(b) SALVAGE TIMBER SALES.—

(1) DIRECTION TO COMPLETE SALVAGE TIMBER SALES.—The Secretary of Agriculture, acting through the Chief of the Forest Service, and the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall—

(A) expeditiously prepare, offer, and award salvage timber sale contracts on Forest Service lands and Bureau of Land Management lands that are located outside—

(i) any unit of the National Wilderness Preservation System; or

(ii) any roadless area that—

(I) is under consideration for inclusion in the National Wilderness Preservation System; or

(II) is administratively designated as a roadless area in the managing agency's most recent land management plan in effect as of the date of enactment of this Act (not including land designated as a Federal wilderness area); or

(iii) any area in which such a sale would be inconsistent with agency standards and guidelines applicable to areas administratively withdrawn for late successional and riparian reserves; or

(iv) any area withdrawn by Act of Congress for any conservation purpose; and

(B) perform the appropriate revegetation and tree planting operations in the area in which the salvage occurred.

(2) SALE DOCUMENTATION.—

(A) PREPARATION OF DOCUMENTS.—In preparing a salvage timber sale under paragraph (1), Federal agencies that have a role in the planning, analysis, or evaluation of the sale shall fulfill their respective duties expeditiously and, to the extent practicable, simultaneously.

(B) PROCEDURES TO EXPEDITE SALVAGE TIMBER SALES.—

(i) IN GENERAL.—When it appears to a managing agency that consultation may be required under section 7(a)(2) of the Endangered Species Act (16 U.S.C. 1536(a)(2))—

(I) the managing agency shall solicit comments from the consulting agency within 7 days of the date of the decision of the managing agency to proceed with the required environmental documents necessary to offer to sell the salvage timber sale; and

(II) within 30 days after receipt of the solicitation, the consulting agency shall respond to the managing agency's solicitation concerning whether consultation will be required and notify the managing agency of the determination .

(ii) CONSULTATION DOCUMENT.—In no event shall a consulting agency issue a final written consultation document with respect to a salvage sale later than 30 days after the managing agency issues the final environmental document required under the National Environmental Policy Act of 1973 (16 U.S.C. 1531 et seq.).

(iii) DELAY.—A consulting agency may not delay a salvage timber sale solely because the consulting agency believes it has inadequate information, unless—

(aa) the consulting agency has been actively involved in preparation of the required environmental documents and has requested in writing reasonably available additional information from the managing agency that the consulting agency considers necessary under part 402 of title 50, Code of Federal Regulations, to complete a biological assessment; and

(bb) the managing agency has not complied with the request.

(3) STREAMLINING OF ADMINISTRATIVE APPEALS.—Administrative review of a decision of a managing agency under this subsection shall be conducted in accordance with section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (106 Stat. 1419), except that—

(A) an appeal shall be filed within 30 days after the date of issuance of a decision by the managing agency; and

(B) the managing agency shall issue a final decision within 30 days and may not extend the closing date for a final decision by any length of time.

(4) STREAMLINING OF JUDICIAL REVIEW.—

(A) TIME FOR CHALLENGE.—Any challenge to a timber sale under subsection (a) or (b) shall be brought as a civil action in United States district court within 30 days after the later of—

(i) the decision to proceed with a salvage timber sale is announced; or

(ii) the date on which any administrative appeal of a salvage timber sale is decided.

(B) EXPEDITION.—The court shall, to the extent practicable, expedite proceedings in a civil action under subparagraph (A), and for the purpose of doing so may shorten the times allowed for the filing of papers and taking of other actions that would otherwise apply.

(C) ASSIGNMENT TO SPECIAL MASTER.—The court may assign to a special master all or part of the proceedings in a civil action under subparagraph (A).

(c) OPTION 9.—

(1) DIRECTION TO COMPLETE TIMBER SALES.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management, and the Secretary of Agriculture, acting through the Chief of the Forest Service, shall expeditiously prepare, offer, and award timber sale contracts on Federal lands in the forests specified in Option 9, as selected by the Secretary of the Interior and the Secretary of Agriculture on April 13, 1994.

(2) ESTABLISHMENT OF REBUTTABLE PRESUMPTION.—A rebuttable presumption exists that any timber sale on Federal lands encompassed by Option 9 that is consistent with Option 9 and applicable administrative planning guidelines meets the requirements of applicable environmental laws. This paragraph does not affect the applicable legal duties that Federal agencies are required to satisfy in connection the planning and offering of a salvage timber sale under this subsection.

(3) AVAILABILITY OF FUNDS.—

(A) IN GENERAL.—The Secretary of Agriculture and the Secretary of the Interior shall make available 100 percent of the amount of funds that will be required to hire or contract with such number of biologists, hydrologists, geologists, and other scientists to permit completion of all watershed assessments and other analyses required for the preparation, advertisement, and award of timber sale contracts prior to the end of fiscal year 1995 in accordance with and in the amounts authorized by the Record of Decision in support of Option 9.

(B) SOURCE.—If there are no other unobligated funds appropriated to the Secretary of Agriculture or the Secretary of the Interior, respectively, for fiscal year 1995 that can be available as required by subparagraph (A), the Secretary concerned shall make funds available from amounts that are available for the purpose of constructing forest roads only from the regions to which Option 9 applies.

(d) SECTION 318.—

(1) IN GENERAL.—With respect to each timber sale awarded pursuant to section 318 of Public Law 101–121 (103 Stat. 745) the performance of which is, on or after July 30, 1995, precluded under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) due to requirements for the protection of the marbled murrelet, the Secretary of Agriculture shall provide the purchaser replacement timber, at a site or sites selected at the discretion of the Secretary, that is equal in volume, kind, and value to that provided by the timber sale contract.

(2) TERMS AND CONDITIONS.—Harvest of replacement timber under paragraph (1) shall be subject to the terms and conditions of the original contract and shall not count against current allowable sale quantities.

(e) EXPIRATION.—Subsections (b) and (c) shall expire on September 30, 1996, but the terms and conditions of those subsections shall continue in effect with respect to timber sale contracts offered under this Act until the contracts have been completely performed.

Mrs. MURRAY. Mr. President, I rise today to offer an alternative to the timber management authorizing language in this bill. I offer my amendment because I believe the language included in the bill by my colleague, the senior Senator from Washington, will backfire. I believe it will hurt—not help—timber communities and workers in the Northwest.

The authorizing language contained in this bill is designed to accomplish three things: respond to a timber salvage problem resulting from last year's forest fires; speed up the rate of timber sales under the President's forest plan, option 9; and to release a few timber sales remaining from legislation passed by Congress 4 years ago.

These are goals with which I can agree. My problem is with the method. I believe the language proposed by my colleague will cause a blizzard of lawsuits, cause political turmoil within the Northwest, and take us right back to where we were 4 years ago.

Our region has been at the center of a war over trees that has taken place in the courtrooms and Congress for almost a decade. There is a history of waiving environmental laws to solve timber problems; that strategy has not worked.

It has made the situation worse. Until 1993, the Forest Service was paralyzed by lawsuits, the courts were managing the forests, and acrimony dominated public discourse in the region.

Now this bill contains language that will reopen those old wounds. I strongly believe that would not be in the best interest of the region.

Let me briefly explain my amendment, and why I think it makes more sense than the underlying bill. There are two distinct issues in question: salvage of dead and dying timber in the arid inland west, and management of the old growth fir forests along the Pacific coast.

There is a legitimate salvage issue right now throughout the West. Last year's fire season was one of the worst ever. There are hundreds of thousands of acres with burned trees sitting there. I believe these trees can and should be salvaged and put to good public use.

I believe there is a right way and a wrong way to conduct salvage operations on Federal lands. The wrong way is to short cut environmental checks and balances. The wrong way is to cut people out of the process. The wrong way is to invite a mountain of lawsuits.

The right way is to expedite compliance with the law. The right way is to make sure the agencies can make correct decisions quickly. The right way is to let people participate in the process—so they do not clog up the courts later.

I believe we can offer eastside timber communities hope, not only in the short term—by delivering salvage volume—but in the long term, too. By following the law, we can immediately harvest timber—and sustain it in the future—because we will not be tied up in lawsuits; we conserve our natural environment by not allowing poorly planned clearcuts to slide into salmon-bearing streams; and we protect human

lives by building roads that are rationally planned, not hastily built without planning.

The Chief of the Forest Service and many firefighters agree with me on this. I ask unanimous consent to have some letters and materials to that effect printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MARCH 21, 1995.

LETTER TO THE EDITOR: I would like to answer to the editorial ''From timber to tinder,'' published in the March 15 Washington Times. It argues that Congress should pass Representative Taylor's Bill that would eliminate all environmental and economic rules for Forest Service timber sales of 6 billion board feet, in the name of forest health and firefighter safety. Linking this initiative to the 1994 firefighters' deaths is an insult to those that died and a shameless appeal to emotionalism. I lost my husband of 21 years, and the father of our two young children, Jim Thrash, in the Colorado fire last year. He was a smokejumper with 16 seasons of experience.

He also loved the forests. Jim and I owned and operated an outfitting and guide business in the beautiful pristine mountains of west-central Idaho. We took many people a year into the backcountry to experience the ''wilderness''. He was also the President of the Idaho Outfitters and Guides Assoc., which represents an industry that takes thousands of Americans each year into the backcountry. Jim was very much at home in the forests. He worked for responsible forest management practices with a high emphasis on maintenance of clean, free-flowing streams and quality wildlife habitat. He knew, understood and advocated the use of fire in a more natural role in the ecosystem as well as prescriptive fires to aid in the restoration of natural conditions. He did not support further roading of Idaho's roadless lands or the use of clearcutting.

It is true that '94's fires were the result of the extended western drought, but were also the natural fire cycles of those ecosystems. There are those who are claiming that their loved ones' deaths resulted from careless forest managers who failed to log dead and dying timber elsewhere, resulting in a shortage of firefighting resources. In reality, the Colorado incident was not one of resource shortages, but one of mismanagement. Firefighting managers and supervisors used poor strategies (or had no strategies at all), and failed to recognize and respond to the existing conditions (drought and weather) and extenuating circumstances (resources shortages) when making the decisions to put employees on the firelines. Ultimately, this resulted in the deaths of 14 people.

HOLLY THRASH.

MARCH 27, 1995.

DEAR MADAMS OR SIRS: I am writing to you regarding the various ''Forest Health'' initiatives floating around Congress these days. I am a wildland firefighter from McCall, Idaho who has worked for the Forest Service as a helitacker, a hotshot, and 12 years as a smokejumper. As I am sure you understand, the opinions expressed herein are my own and do not represent any government agency. Since I was smokejumping on fires in Idaho and Montana last July, I was not on the South Canyon Fire. Yet I lost good friends there, and I feel a duty to them and to myself to speak out about the bills you have under your consideration.

Given my knowledge of fire and the health of our forests, I cannot support S. 391 (Federal Lands Forest Health Protection and Restoration) or any incantation of Mr. Taylor's amendment (The Emergency Two-Year Salvage Timber Sale Program), or Mr. Gorton's Bill. I believe a reasonable amount of salvage harvesting should be carried out, and I believe this can be carried out successfully within the confines of current law.

I believe all these bills are based on the premise that the salvaging cannot be done quickly enough to get the burned wood before it becomes useless. But the evidence shows that salvage has been occurring successfully in our forests. The Boise National Forest successfully carried out the historically biggest sale of any type in the Northwest as the Foothills Salvage in 1992. The Forest Service anticipates having all the salvage sales from the fires of 1994 on the auction blocks by late this summer—with environmentally sound analyses in place. I believe all of the bills mentioned above call for forgoing this type of analysis. This does nothing to help our forests. Given that it would be better to have salvage available for harvest by the summer following a burn, why not simply request that the Forest Service speed up the analyses? Even in the present situation, they only need to shave off three or four months to have salvage ready by the summer following a burn. This could be easily done if they were empowered (and given the necessary budget) to form a salvage analysis team as soon as it became apparent that there would be an opportunity for salvage. I believe this change alone would shorten the process by three months.

Some of the bills mentioned above propose increasing the national annual cut from four billion board feet to over five billion board feet. I believe the lower cutting levels are much more reasonable since they are based on an accurate level of a sustained yield. If the cut is allowed to continue at the higher level, at some point in the next decade or two, yield levels will begin to fall, and they will fall below the four billion level. This is the scientific advice given to you by the Forest Service. I urge you to ask yourself, what sustainable level of harvest can our forests support? Then who will you listen to for advice, industry or land managers?

I talked to a logger friend just yesterday. He said, ''Why not let the individual states and industry set the cut level . . . Do you think they would cut themselves out of a job? This is our land, not Congress' or some easterner's and we know what is best for it.'' I told him that I had no doubt that industry would cut themselves out of a job because they are only concerned with short term profits.

A true commitment to community stability would help these mill towns read the writing on the wall. Find other specialties for their community that will increase jobs. The real growth industries in Idaho are information technology and recreation—tourism. People with jobs to offer come to Idaho because of the ''quality of life.'' This includes low crime, a lack of urbanization and a healthy natural environment. We need to make sure that our forest and water environments are maintained and not sold for short term profit.

Let the land managers do the job they were trained to do. The Forest Service will have all the salvage sales on the auction blocks by this summer with environmentally sound analyses in place. Mr. Taylor's bill calls for forgoing this type of analysis, which does nothing to help our forests. And to link any forest health bill to our fallen firefighters mocks their deaths.

Yours truly,

PATRICK WITHEN.

Mrs. MURRAY. Let me briefly discuss the salvage aspects of my amendment. Whereas the underlying bill suspends all environmental laws to allow salvage operations, my amendment does not permit the agencies to operate above the law. Instead, it requires them to expedite compliance with those laws.

Second, the underlying bill allows salvage on any Federal lands outside of designated wilderness areas where there is insect- or fire-damaged timber. That allows agencies to build roads in pristine roadless areas and harvest trees along our wild and scenic river corridors. My amendment restricts salvage operations to areas outside of the wilderness, roadless areas, and other congressionally designated areas, like wild and scenic river corridors.

Third, like the underlying bill, my amendment would shorten the timelines allowed for appeals, but allow citizens' the right to challenge bad agency decisions. Where the underlying bill prohibits administrative appeals and does not allow temporary injunctions, my bill allows appeals, but dramatically shortens the timelines and procedural requirements.

This is a reasonable, responsible approach. It ensures salvage operations will go forward. It protects workers and towns from the tangle of yet more lawsuits and insures that appropriate environmental protections are in place.

We do need to work with timber communities; they have been waiting a long time. We also need to protect them from the uncertainties of prolonged litigation. My amendment will do that.

Until very recently, the old growth Douglas fir forests in the Pacific Northwest had been shut down because Judge William Dwyer had ruled the agencies were not following the law.

When President Clinton held his forest conference in Portland 2 years ago, he promised a scientifically credible, economically sustainable, legally defensible plan to resolve the crisis. Option 9 is the result of that pledge. Let's be clear about this: Everybody dislikes option 9. The timber communities felt it was inadequate. The environmental groups felt it allowed too much harvesting.

Whatever people felt about it, option 9 was the first serious attempt to resolve an issue that plagued my region for years. Therefore, I supported it.

Judge Dwyer has recently ruled that option 9 satisfies the requirements of Federal law. Today, timber communities are back in the Federal timber harvest business. Unfortunately, they are not back to the degree that they should be. I am very unhappy that the Forest Service has not produced promised volumes.

I wrote the President last week to request a schedule for timber sales under option 9. He responded with details on both option 9 and the salvage program. I ask unanimous consent these letters be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, March 21, 1995.

Hon. BILL CLINTON,
President, The White House, Washington, DC.

DEAR MR. PRESIDENT: I know you are as concerned as I about the seeming inability of the Forest Service to produce a reasonable supply of timber for Pacific Northwest timber communities under Option 9. You and the rest of your Administration worked hard to find a solution to the forest crises we were facing. Despite protestations from all sides, you supported a compromise plan to provide both scientifically sound management of our forests and a sustainable supply of timber to our communities.

Now, almost a year after the Record of Decision and 9 months after the lifting of the injunction, fewer than 300 million board feet of timber have been sold in the 17 National Forests managed under Option 9. I'm sure you agree that this is unacceptable.

Legislation has passed the House and will soon be considered by the Senate to suspend all federal environmental laws applicable to the Forest Service in order to enable the agency to sell the volume set forth in Option 9 (and to meet salvage and section 318 sale targets). As a rule, I do not support such ''sufficiency'' language because I strongly believe agencies should not be above the law. However, I am very frustrated by the Forest Service's inability to deliver on the Option 9 sale targets.

Mr. President, I must have assurances this week that the Forest service will meet its Option 9 target levels by the end of this year. I need to know specific plans, timelines, and changes that the Forest Service intends to take to get this timber out. And I need to know what, if anything, you need from Congress.

I believe Option 9 and existing law can produce a sustainable flow of timber. Unfortunately, my belief has been shaken by the facts.

Finally, I would appreciate knowing your plans for how the Forest Service will conduct its salvage operations and any problems you foresee in this area. Thank you for your continued interest in finding solutions to these thorny forest issues.

Sincerely,

PATTY MURRAY,
Senator.

THE WHITE HOUSE,
Washington, DC, March 23, 1995.

Hon. PATTY MURRAY,
U.S. Senate,
Washington, DC.

DEAR PATTY: Thank you for your letter regarding the status of the Northwest Forest Plan. I appreciate your concerns and want to make clear the progress that is being made.

As you know, from the time I took office, I made resolution of the long-standing Northwest forest dispute—which had produced years of conflict and litigation—a high priority for my Administration. The completion of my Northwest Forest Plan in April 1994 and the subsequent ruling by Judge Dwyer upholding the plan in December marks the first time since 1991 that forest management has been pushed out of the courts and back into the communities. That is clearly good news.

I understand that you are concerned about the sales of timber to date, but, as noted, we have only been out of the courts since December. In FY 1995 we will offer for sale approximately 600 million board feet (mmbf). This is consistent with my commitment under the Forest Plan, which was to offer 60 percent of the 1997 target (1.1 billion board feet) in FY 1995. Furthermore, I am assured by the U.S. Forest Service (FS) and the Bureau of Land Management (BLM) that we will meet our commitment under the Plan of 800 mmbf in FY 1996, and finally 1.1 billion board feet (bbf) in FY 1997. In addition, the U.S. Forest Service and the Bureau of Land Management will offer 1.664 bbf in salvage sales throughout the country.

The agencies are working hard to expedite the implementation of the Plan. The FS and BLM, for example, are now working with the U.S. Fish & Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) early in the process of timber sale preparation. By engaging early on and working simultaneously on project development, sale layout and contract preparations will be significantly expedited.

Let me also note that, in addition to getting timber sales moving, we are engaging state governments and local communities as never before to create new economic opportunities. In FY 94 the federal government invested $126.6 million in the region combined with $164.3 million in SBA loan guarantees. For example, the U.S. Forest Service allocated $6.3 million for over 200 Jobs-in-the-Woods contracts in the Gifford Pinchot, Okanogan, Olympic, Mount Baker-Snoqualmie, and Wenatchee National Forests. In FY 95, we will offer $301 million to the region under the Forest Plan in grants and loan guarantees.

Additionally, with regard to salvage sales, we will be reducing the time it takes to prepare a salvage sale by about 30 percent.

Let me be clear that legislation to bypass existing environmental laws and mandate a minimum level of salvage sales may not increase the flow of timber. In fact, the Department of Justice has advised that such mandates could reduce timber, grazing, and mining activities because they could result in new litigation over every land management plan, including the Forest Plan.

I share your desire and commitment to a sustainable flow of timber in Washington. As you know, the gridlock created by the actions of previous administrations will take years to turn fully around. But again, our significant investment in this issue is now beginning to offer hope to communities in Oregon, Washington, and Northern California. I look forward to working with you toward productive solutions for the people of Washington and the entire Pacific Northwest. Enclosed you will find a schedule of timber sales and a summary of agency activity to facilitate the flow of timber in the region.

With best wishes,
Sincerely,

BILL CLINTON.

TIMBER SCHEDULE ATTACHMENT

FOREST SERVICE AND BLM OR/WA/CA TIMBER SALE PROGRAM FOR FY 1994

Volume Sold	Owl range (mmbf)	Non owl range (mmbf)	Total
Forest Service	233	257	490
BLM	18.5	0	18.5
Total	251.5	257	508.5
Forest Service [1]	851.0	376	1,227
BLM [1]	154.0	0	154
Total [1]	1,005.0	376	1,381

[1] Volume harvested.

FOREST SERVICE OR/WA/CA TIMBER SALE PROGRAM FOR MAR. 1 TO MAY 1, 1995

FY 1995 sale period Mar. 1 to May 1	Owl range			Nonowl range			Region 5 and 6 total
	Green (mmbf)	Salvage (mmbf)	Total (mmbf)	Green (mmbf)	Salvage (mmbf)	Total (mmbf)	
Oregon (Region 6)	2.8	10.7	13.5	13.8	27.0	40.8	54.3
Washington (Region 6)	.2	0	.2	4.4	6.2	10.6	10.8
California (Region 5)	7.6	6.8	14.4			0	14.4
Categorical totals	10.6	17.5	28.1	18.2	33.2	51.4	79.5

FOREST SERVICE OR/WA/CA TIMBER SALE PROGRAM FOR FY 95

FY 1995 sale period	Owl range			Nonowl range			Region 5 and 6 total
	Green (mmbf)	Salvage (mmbf)	Total (mmbf)	Green (mmbf)	Salvage (mmbf)	Total (mmbf)	
Oregon (Region 6)	138.5	79.8	218.3	54.4	231.6	286	504.3
Washington (Region 6)	57.9	91.6	149.5	20.0	54.0	74	223.5
California (Region 5)	65.4	33.1	98.5			0	98.5
Categorical total	261.8	204.5	466.3	74.4	285.6	360	826.3

BLM OREGON/WASHINGTON TIMBER SALE PROGRAM FOR FY 95

FY 1995 sale period	Western Oregon			E. Oregon and Washington			OR/WA BLM total
	Green (mmbf)	Salvage (mmbf)	Total (mmbf)	Green (MMbf)	Salvage (mmbf)	Total (mmbf)	
October–May 1	12.6	6	18.6	0	OR/4.8–WA/0.6	OR4.8–WA/0.6	24
Oct.–September 30	104	16	120	0	OR/23.4–WA/0.6	OR/23.4–WA/0.6	144

Additional volume that will be made available in FY 1995

	(mmbf)
1. Marbled Murrelet volume From Unoccupied Units:	
Oregon	20.3
Washington	2.6
California	3.4
Total	26.3
2. Section 318 Rogue River Forest-Judge Marsh Case (Sales will be awarded within 60 days)	13.9
3. Going forward at purchasers' discretion from BLM	70.0
4. Willamette Horse Byers & Red 90 (Volume will be awarded this spring; delayed by Supreme Court Decision)	11.1
5. Siskiyou Forest	12.7
Total Miscellaneous Sales	134.0

SUMMARY OF ONGOING ACTIVITIES

(Prepared by E. Thomas Tuchman, Director, Office of Forestry and Economic Development, March 23, 1995)

INCREASING SHORT-TERM TIMBER SUPPLY

The Record of Decision (ROD) for the Northwest Forest Plan allowed all timber sales that were sold and awarded prior to the effective date of the ROD to go forward at the purchasers' discretion. Those that were sold but not awarded could go forward provided they met the requirements of the Endangered Species Act (ESA). As of January 1, 1995, 96% of the total Section 318 volume offered had been released. The remaining volume is awaiting completion of surveys to comply with the ESA. Agencies are working vigorously to complete the required analyses and move these sales. A portion of the remaining Section 318 sales, 13.9 mmbf from the Rogue River Forest, will be awarded within 60 days. There will be an additional 20.3 mmbf offered by mid-summer pursuant to issuance of a biological opinion by the U.S. Fish and Wildlife Service on unoccupied units for Marble Murrelets. Please note the attached chart which contains a timber sale schedule for FY 95 and includes salvage and green sales, in addition to some outstanding miscellaneous sales that will be offered by September 30, 1995.

IMMEDIATE ATTENTION TO ACTIONS IMPROVING FOREST CONDITIONS

We agree completely that we ought to move aggressively to improve the health of forests in the Northwest; therefore, several months ago we directed the agencies to move expeditiously forward with immediate actions, such as salvage sales. On March 8, the heads of four Federal agencies—Bureau of Land Management (BLM), the U.S. Forest Service (FS), U.S. Fish and Wildlife Service (FWS), National Marine Fisheries (NMFS)—signed an agreement detailing new consultation time lines and streamlining processes for forest health projects. Pursuant to this agreement, compliance with the National Environmental Policy Act, the ESA, and other statutes will be significantly accelerated. In fact, by ''reinventing'' the consultation process, we will be able to cut the time required to prepare salvage sales by about 30%. These process improvements will accelerate the flow of timber in Oregon, specifically on the ''east side.''

Additionally, a meeting is scheduled between BLM, FWS, FS, and NMFS biologists and others involved in consultation to work on screens to expedite consultation for salvage sales in the region. Other streamlining actions will also be discussed.

With regard to your suggestion concerning proceeds from commercial thinning, the Forest Service currently has the authority to fund timber stand improvements and other restoration from timber receipts under the Knutson-Vandenberg (K–V) Act. It is current practice for the Forest Service to utilize these funds through the K–V Act from thinnings and other timber sales to do timber stand improvements and to conduct riparian restoration where applicable. Another option is to consider the use of stewardship contracts. This is a mechanism we have piloted in other areas where timber sales pay for activities like watershed restoration, recreation improvements, and thinning and salvage sales. This is a tool we are exploring in your region. If you have any questions about it, please have someone contact us.

SIMPLIFY PLAN IMPLEMENTATION

This Administration is committed to maximizing our flexibility in implementing the Forest Plan. For example, the U.S. Forest Service and BLM are expediting Plan implementation by, for example, working with the FWS and the NMFS to engage in the appropriate consultations early in the process of timber sale preparation. By engaging early on and working simultaneously on project development, we will expedite sale layout and contract preparation. Further, by involving FWS and NMFS biologists early in project development, we should alleviate problems that would otherwise arise in the final stages.

Also, we are on an accelerated track to complete half of all the necessary watershed analyses under the Forest Plan by the end of 1995. As you know, watershed analysis—utilized to help make informed management decisions—is a new requirement under the Forest Plan. As the watershed analyses are completed and timber sales are awarded over the next year, the timber pipeline will slowing be replenished after having been fully depleted during the three and-a-half year period (1991–June 1994) that timber sales were enjoined. This will allow for an even and steady flow of timber under the Forest Plan for Oregon and the region.

Overall, the agencies are pursuing better regional oversight through a prioritization of consultation actions and quality control of biological assessments submitted to NMFS. Priorities will be coordinated regionally, rather than for each Forest or BLM district. This will allow for smoother implementation under the Forest Plan, as well as facilitate forest salvage actions in the region.

EXPEDITE ENDANGERED SPECIES ACT CONSULTATION PROCESS

We too are concerned about the time it has taken in the past to consult on management actions and are working to expedite the process. As a result, land managers are involving the U.S. Fish and Wildlife Service (FWS) and the National Marine & Fisheries Service at the beginning of a project rather than at the end. In addition, they are ''batching'' projects for consultation in larger groups, wherever possible, rather than consulting on a sale-by-sale basis.

Moroever, Secretary Babbitt has asked FWS to conduct an evaluation of the consultation process with the goal of further streamlining consultation for forest plan and salvage sale activities. Additionally, on March 6, Secretary Babbitt announced a ten point plan for easing ESA restrictions on harvests from private lands. These and other efforts are underway to facilitate responsibility the sale of timber in your region.

Mrs. MURRAY. Mr. President, the administration needs to fulfill its commitment to the region. If Congress can help, so much the better. But we must be very careful not to go too far.

The Chief of the Forest Service told me last week he is well on his way to providing promised timber sales levels. But he lacks the human resources to do so. My amendment transfers money from road construction programs to need personnel to get these sales out. It does not simply waive the rules.

When Judge Dwyer approved option 9, he did so with conditions. He expects full funding for implementation, and he expects monitoring and assessment for compliance with the standards and guidelines.

Mr. President, I am concerned that if we do not heed his advice, Judge Dwyer will rule option 9 invalid and once again forbid all harvesting in the Northwest. Our communities simply cannot afford that blow.

My amendment provides needed financial resources. Additionally, it says that if the agencies follow the rules set forth in option 9, anyone challenging a timber sale will have to cross a very high legal hurdle to prove that a timber sale is environmentally harmful.

Let me say one final word about option 9. If people have a problem with option 9, they have a problem with the laws: National Environmental Policy Act, and National Forest Management Act. If we are going to revisit the merits of option 9, we should instead take a broad look at the laws governing it. We should not take short cuts in a rescissions bill without the benefit of hearings and public involvement.

SECTION 318

Finally, my amendment directs the Forest Service to find replacement volume for sales old under fiscal year 1990 appropriations bill, dubbed section 318, that are tied up because they may contain the threatened marbled murrelet. The companies who bought these sales years ago deserve what we promised them: timber. My amendment delivers that.

Mr. President, two of the provisions of this bill have only regional effects. The primary provision—salvage of damaged Federal lands—is national in scope and affects the health of forests

throughout this Nation. We must not give the agencies free rein to cut timber without regard to environmental considerations.

My amendment is a moderate, reasonable alternative. It expedites salvage. It expedites option 9. It ensures appropriate levels of environmental protection. And most importantly, it protects communities and workers from burdensome, frustrating litigation. Such litigation is sure to result from the underlying bill.

Mr. President, 10 days ago I went to Gray's Harbor in my home State of Washington, and I talked to people who have lived through the nightmare of Congress and the courts deciding their lives. They are just starting to get back on their feet. Hope is beginning to return. They do not want more empty promises. They do not need congressional interference that may backfire. They do need promises kept, and they do need Congress to act with common sense.

That is what my amendment does, and I urge my friends here in the Senate to support it.

Mr. President, I retain the balance of my time.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, who controls the time?

The PRESIDING OFFICER. Does the Senator from Washington yield time?

Mr. GORTON. Does the Senator from Alaska wish to speak in support of the amendment?

Mr. MURKOWSKI. The Senator from Alaska would like to speak in support of the Gorton salvage amendment.

Mr. GORTON. I yield 5 minutes to the Senator from Alaska.

PRIVILEGE OF THE FLOOR

Mr. GORTON. Mr. President, before I do so, I ask unanimous consent that privilege of the floor be granted to Dave Robertson and Art Gaffrey, congressional fellows attached to Senator HATFIELD's staff.

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

The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair. I thank my colleague from Washington.

Mr. President, I rise to again commend the Gorton salvage amendment. I share, as Senator from the State of Alaska, a dilemma facing all of us; that is, a shortage of timber. We have seen our industry shrink by about three-quarters by a combination of the inability of the Forest Service to meet its proposed contractual agreements. As a consequence, the industry has shrunk. As I see the issue before us, we have an opportunity, because of an unfortunate act of God, to bring into the pipeline a supply of timber that otherwise would not be available. Clearly, without the help of the Gorton salvage amendment the Forest Service is absolutely incapable—make no mistake about it—incapable of addressing this in an expeditious manner.

So those who suggest that we simply proceed under the status quo will find that the timber will be left where the bugs or the fire last left it when we are here next year and the year after. So, do not be misled by those who are of the extreme environmental bent to see this as an opportunity simply to stop the timber process. It is unfortunate that we could not make the decision on what to do with this timber based on sound forest practice management—what is best for the renewability of the resource.

The Gorton salvage amendment is an essential response to an emergency forest health situation in our Federal forests as evidenced by last year's fire season. Our committee, the Committee on Energy and Natural Resources, has held oversight in the area, has recognized the severity of the problem, and I strongly recommend we do a positive step of forest management practice and support the Gorton amendment as an appropriate emergency response to the problem.

I have listened to the critics of the amendment both on the floor and off the floor. I have come to conclude that they must be discussing some other provision than the one offered by the senior Senator from Washington.

First, they say the Gorton amendment mandates increased salvage timber sales. The Gorton amendment does not mandate timber sales. It provides the administration with the flexibility to salvage sales to the extent feasible. I trust the administration to properly utilize that flexibility. Opponents of the Gorton amendment apparently do not trust this administration. I cannot tell whether they do not want to rehabilitate burned forests or whether they need individual sign off from the Forest Service Chief, Jack Ward Thomas, the Secretary of Agriculture, or maybe even Vice President Gore to trust the administration.

Second, they say that the Gorton amendment suspends all environmental laws. The Gorton amendment expedites existing administrative procedures under the Endangered Species Act, the National Environmental Policy Act, and other measures. If the agency successfully follows the expedited procedure, their performance is deemed adequate to comply with existing environmental and natural resource statutes. These expedited procedures are essential as we must appropriately respond to the forest health emergency, and it is an emergency that we face. If you have an emergency, Mr. President, you respond to it and you expedite a process. That is what the Gorton amendment is all about.

Third, they say the Gorton amendment eliminates judicial review. It simply does not. The amendment provides an expedited form of judicial review that has already been upheld by the Supreme Court in previous litigation.

Fourth, they would say the Forest Service cannot meet the salvage targets. The amendment does not have any targets. I wish it did. Today, the Forest Service is working on its capability statement on the House version of this amendment. There are strong indications that with the expedited procedure the House bill will match in pertinent part the Gorton amendment. The agencies can meet the House targets and still comply with substantive requirements of existing environmental and natural resources.

Fifth, they say the amendment will cost the Treasury. This is simply false. The Gorton amendment has received a positive score from CBO.

Sixth, they say the amendment may disrupt and actually reduce timber sales. Well, if that were true, I would expect them to strongly support the Gorton amendment. But it is not true. The Gorton amendment contains protective language to assure potential environmental litigants cannot disrupt other agencies' functions due to this amendment.

Finally, Mr. President, I have been genuinely perplexed by the misconceptions that accompany the attacks on this amendment, but today perhaps I know why this is the case. Yesterday, Senator GORTON and Congressman CHARLES TAYLOR along with Senator CRAIG, the author of S. 391, which is a measure directed at another aspect of this problem, offered to meet, as I understand, with groups of activists opposed to both the Gorton amendment and S. 391 together. It is my understanding they cleared time on their calendars at 9 a.m., but they found that the activists were evidently more interested in preparing for their 9:30 a.m. press conference than meeting with the authors of the three provisions which they proceeded to lambaste. That sort of interest group behavior I do not think can be tolerated if we are to continue to have informed debates in this body.

So, Mr. President, I rise in support of the Gorton amendment, and against other modifying amendments. I encourage my colleagues to proceed with what this is, an emergency.

I thank the Chair.

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

The Senator from Washington.

Mr. GORTON. Mr. President, as recently as half a dozen years ago, there was a booming, successful forest products industry in rural towns all up and down the north Pacific coast of the United States. In region 6, in Washington, Oregon, and northern California, approximately 5 billion board feet of timber was being harvested. Towns were prosperous and optimistic. Families were happy and united. Schools were full. The contribution that these people made to the economy of the United States is difficult to underestimate. It was easier and less expensive to build homes, to publish newspapers, to engage in all of the activities which

arise out of the forest products industry. And even during that time of maximum harvests every year in the Pacific Northwest more board feet of new timber was growing than was being harvested.

Beginning with the controversy over the spotted owl in the Pacific Northwest—in which incidentally, the recovery goal at the time of its listing has now long since been exceeded by the discovery of additional spotted owls—at the time of the beginning of that controversy, that harvest began to drop precipitately, to the point at which in the last few years the harvest on lands of the United States of America has been close to zero. Communities have been devastated. Families have broken up. Small businesses have failed. Homes purchased by the work of many years have become useless because they cannot be sold.

And we have constantly heard from those whose conscious policies drove the litigation leading to this end that the people in these towns should seek other employment in some other place or be the subject of various kinds of relief activities. So where they provided a net income to the United States from their income taxes, they now are a net drain on the people of the United States for welfare programs which have benefited primarily planners and contractors and advisors and not the people who lost their jobs.

Mr. President, these people, these communities, their contributions to America have been largely ignored by the mainstream media of this country. Their professions have been denigrated. They who live in this country and have a greater investment in seeing to it that it remains booming and prosperous have been accused of utter indifference and attacks on the environment.

Mr. President, that only has not been terribly unjust but it has been destructive of balance and destructive of the economy of our country.

Now, into this controversy some 3 years ago came the then candidate for President of the United States, Bill Clinton, promising in a well-attended meeting in Portland, OR, balance and relief, promising to listen to the people of the Pacific Northwest, to protect the environment but at the same time to restore a significant number of the lost jobs and some degree of hope and prosperity to those communities.

The first part of later President Clinton's promise was kept in 1993 when as President he returned to Portland, OR, and held a timber summit.

Long after the completion of that summit came what is now known as option 9, an option which the President stated met all of the environmental laws in the United States which he was unwilling to change in any respect but also promised something more than 1 billion board feet of harvest of timber to the people of the Northwest—1 billion as against 5, or 20 percent of the historic level.

I did not then and I do not now believe that that constitutes balance or that it was at all necessary to protect the environment. But it was a promise, Mr. President, of some form of relief.

Since then, the President has had that option validated by a U.S. district court judge who has taken charge of this area in Seattle. But do our people have 1.1 billion board feat of harvest? No, Mr. President, they do not. In spite of the time at which that promise was made, they are nowhere close to that because the Forest Service in its personnel cuts has cut mostly the people who work in the woods preparing these sales and because the Clinton administration knows that almost no single action taken pursuant to this option will escape an appeal within the Forest Service and a lawsuit being stretched out forever and ever.

That is one element, Mr. President.

The second is that last summer, regrettably, was a time of major forest fires in almost every corner of the United States—loss of life in Colorado, huge fires in Idaho and Utah, large fires in my own State of Washington. Those fires have left billions of board feet of timber that is now dead, absolutely dead, but for a relatively short period of time harvestable. If it is not harvested, Mr. President, it will become worthless very quickly by rotting away and at the same time will be tinder for future forest fires.

And yet the opponents to harvest say that's nature's way. Forest fires start; let them burn. Very few of them live in communities near where these fires have taken place, whose summers have been ruined by them, may I say, incidentally.

And so in this bill, as in the bill produced by the House, we attempt to enable the President of the United States to keep his own promises; nothing more than that, Mr. President.

It is true that the provisions in the House bill set a mandated harvest level roughly double what the administration deems to be appropriate. The proposal attacked by my colleague from the State of Washington, however, has no such requirement in it. It simply says that, after all of these years, all of these promises, all of this devastation, that we will liberate the administration to do what it wants to do.

And yet, this is attacked as if, somehow or another, this administration had no concern for the environment whatsoever; that Secretary Babbitt was simply out to cut down the forests of the Bureau of Land Management; that President Clinton's Forest Service wanted to do nothing else but that, and to ignore environmental laws from one end of this country to another. It is astounding, Mr. President, that the administration itself does not wish help in keeping its own commitments.

Now, both the amendment which is a part of this bill and the substitute amendment by the junior Senator from Washington cover three distinct, separate but related subjects.

One on salvage timber is nationwide in scope. The administration proposes in this fiscal year to sell something over 1.5 billion board feet of salvaged timber, dead or dying timber. In region 6, which is the Pacific Northwest, the figure is about one-fifth of that total. Four-fifths of it are from other regions of the country and they include every Forest Service region in the United States.

My proposal, the proposal in the bill, does not require the administration to double that offering. In fact, it has no number in it at all. But it says that the administration, having carefully considered every environmental law, is enabled to do what it tells us that it wants to do.

Does this suspend the environmental laws? No, Mr. President. This administration has certainly tried its best to abide by all of them and all of them remain on the books, those I agree with and those I disagree with.

And I cannot imagine that Members of this body will accuse the administration of wanting to ignore those statutes. It simply says that the administration's own decisions will not further be attacked in court by the often inconsistent provisions of six or seven or eight different statutes passed at different times with different goals.

The amendment that is sought to be substituted for that which is in the bill does not reduce litigation in the slightest, Mr. President. It calls for certain expedited procedures, but it still allows every timber sale to be appealed within the Forest Service or the BLM, and every one to go to court. And they all will go to court, Mr. President, because those who will attack them, those who want nothing to be done, will recognize that all they have to do is to delay it for another season and there will not be anything to sell, because it will be worthless. So that portion of the substitute amendment is simply an invitation to have no salvage at all.

The second and third elements in both amendments have to do with option 9 and with so-called section 318 sales. Section 318 was a part of the Appropriations Act in 1990, designed to provide some interim help for the forest in the two Northwest States. But many of the sales directed by this Congress pursuant to that law have been held up by subsequent environmental actions.

The proposal that the committee has made simply says that those sales would go ahead unless they involved places in which endangered species are actually found, in which case, substitute lands will take their place.

Our option 9 provision, I repeat, Mr. President, simply says that the President can keep the promises he made some time ago, almost 2 years ago, under option 9 and not be subject to constant harassing lawsuits. That is all that it says. It does not require him to get to the 1.1 billion board feet of harvest that he promised, and he will not.

It does say that he can do what he wishes to do.

Now, the substitute amendment, in each case, for all practical purposes, makes dealing with this issue at the level of Congress pointless. All of the lawsuits will still be able to be brought, but perhaps we will actually find ourselves in a damaging situation.

The Presiding Officer is from the State of New Hampshire. I presume that some small portion of this salvage timber is in his State. But if this substitute amendment passes, all of the personnel of the Forest Service from the rest of the United States will have to go to Washington and Oregon in order to meet the requirements of the substitute amendment, at the cost of every other region in the United States.

Now I would like to have that kind of service in my State, but I do not believe it to be fair. I do not think we can say that we are the only ones who under any circumstances should get anything out of one of these amendments.

The definition of what salvage timber is in the bill is the Forest Service's own definition. The definition in the substitute amendment is a different definition, one highly susceptible to further litigation.

The exceptions provided by the amendment of the Senator from Montana keeps this kind of salvage logging out of wilderness areas and certain other well-defined areas. The proposal by the junior Senator from Washington keeps them out of any area that is under consideration for inclusion in the national wilderness preservation system.

Mr. President, under that proposal, one bill by one Member of the House of Representatives introduced to put the entire National Forest System included in a wilderness preservation system would stop any harvest anywhere. It would be under consideration by Congress. What it does, in effect, is to give any of the 535 Members of Congress a veto power over the entire proposal.

Mr. President, the issue in this case is clear. Do we care at all about people, not just in the Pacific Northwest but all across the United States, who live in timber communities? Do we care about our supply of lumber and of paper products? Or do we only care about the well-being of certain environmental organizations and their lawyers?

That is what we are debating with respect to this amendment. Do we want the President of the United States to be able to keep his commitments, his promises, however inadequate they are? Or do we have so little trust in him that we believe that he will ignore every environmental law and decide suddenly to cut down our national forests?

Mr. President, that is not going to happen. The lawsuits will, under this proposed substitute amendment, provide relief for people who need relief. Income for the Treasury of the United States will only come from rejecting the substitute amendment and accepting the bill in its present form.

Mr. LEAHY. Mr. President, will the Senator from Washington yield me 5 minutes?

Mrs. MURRAY. I am happy to yield 5 minutes to the Senator.

Mr. LEAHY. Mr. President, I thank my good friend and distinguished Senator from Washington [Mrs. MURRAY].

Mr. President, this timber salvage language in H.R. 1158—so people understand the history, this represents the 12th time since 1984 this body would vote to exempt timber sales from environmental laws; 12 times since 1984.

Frankly, I find that disturbing. It means that the American people are going to be asked to believe that when it comes to cutting national forests, somehow environmental laws do not apply. These exemptions, which should have been, if at all, in emergency situation, instead are becoming routine and standard practice. It is not a short-term solution. I have to wonder how long this will go on. To me the exemption from environmental law is an extreme position. The majority of the American would not accept, nor should they. The distinguished Senator from Idaho, Senator CRAIG, and I streamlined the process in 1992. We are speaking of public lands, and in public lands, every American has a right to express his or her public interest. H.R. 1158 takes away the opportunity to participate in public land management. I do not see how the U.S. Senate can accept a provision that strips people of this right and takes the right out of the people's hands and puts it solely into the hands of bureaucrats. This would not create any more open government. In fact, this seals the same government agents off from public interest.

I respect the concerns of my fellow colleagues from other timber States. Even though I am a tree farmer, that is not my sole source of livelihood. I have talked with people in that area. It makes sense to address the problem, but with a sensible, responsible, moderate solution that respects the true interests of the American people and, in the long term, the apolitical needs of the forest resource.

I believe Senator MURRAY has proposed a fair solution. In fact, she inherited this divisive timber issue when she was elected. She promised the people of Washington a responsible solution. I have discussed this with her since she has come here. I believe that since her election, she has helped put the timber industry on a reliable path that the timber industries can bank on.

In fact, with the work she has done, there has been an increase of 400 jobs, not a decrease in the lumber, paper, and allied wood products industry in the State of Washington since her election. She has an alternative that moves toward long-term sustainability, not a quick fix. Above everything else, what Senator MURRAY has done is what timber-dependent communities want, especially the younger generations—long-term sustainability. People go into this for the long term, not with the idea that every 10 months, or year, or 14 months we are going to suddenly change the rules of the game.

So I urge my colleagues to support Senator MURRAY and abandon the extreme approaches that failed us in the past and removed any kind of public input from the process. Look at her long-term solution and adopt her amendment.

I am going to yield my time back to the Senator from Washington.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington controls the time.

Mrs. MURRAY. I assume the Senator from Washington, Senator GORTON, will yield time to the Senator from Montana.

Mr. GORTON. I yield 30 seconds to the Senator from Montana.

Mr. BURNS. Mr. President, I rise today to oppose the amendment offered by Senator MURRAY of Washington. This amendment severely weakens what this provision is intended to do—respond to our forest health emergency, restore our forests to health, and create jobs. This substitute amendment is only a clever way to do nothing.

The committee-passed provision is responsive to not only forest health, but to the people who support their families in the wood products industry. But this amendment is no more than status quo. And Montanans do not want status quo.

This substitute amendment does not streamline the process, limit the frivolous appeals, or allow for salvage sales to be expedited. Instead this amendment forces agencies to consult with other agencies, and does nothing to cut through the environmental red tape and still allows for endless delays.

It replaces the Forest Service definition of ''salvage timber sale,'' which is included in the committee's bill, with a new definition. This definition doesn't take into account overcrowded forests which need to be thinned, and it forces the land managers to always consult with biologists.

This amendment also eliminates the legal sufficiency language which is needed in the preparation of sale documents. If we are truly serious about salvaging timber, we need to have sufficiency language included, and we need to retain streamlined timeframes to assure that the environmental procedure process is not abused.

Currently, delays in Federal land management arise primarily from two sources—multiple analysis requirements and administrative appeals and judicial review. Without this sufficiency language, we will continue to have lengthy delays which will substantially lead to the more dead and dying timber in our forests.

Congress needs to act on the salvage issue. We have the authority to establish the law, rather than leaving it to the judicial branch to declare what the law is. Yet, this amendment moves this authority toward the courts.

This amendment is worse than the status quo. It requires the agencies to jump through more holes than it already has to, and it makes some land currently available for harvest off limits. It wouldn't result in any more timber salvaging activities. And most importantly, it will stop the creation of jobs in Montana. I strongly oppose this amendment. The wood products industry comprises almost half of western Montana's economy, and this amendment is not responsive to those folks who make their living in this sector of our economy.

I just want to make one simple little evaluation here about this conversation. We have had the status quo long enough. I know what the status quo is. We do not salvage any, or we do not log any of our salvage lumber. It is finite. If it goes another year, it is not worth anything. That is what we are talking about here. We are talking about areas that have been burned and areas that are infested with disease. The lumber is finite.

Everybody can stand around and grin while people are not working and we are not taking care of the forests like they should be managed. They think they are doing a great thing for America, when they are not doing anything for America and are doing worse for the people who depend on public lands for their living. You are making your check; they are not. You think about that whenever you place this vote today.

Mrs. MURRAY. I yield 5 minutes to the Senator from Montana, Senator BAUCUS.

Mr. BAUCUS. Mr. President, how best to deal with the salvage timber issue is a matter of judgment. We in the Pacific Northwest have seen a lot of dead timber, caused both by forest fires and by disease. And we are frustrated by the Forest Service's inability to get some of this timber cut. We know it can be done responsibly, with minimal impacts to the environment, yet it just isn't happening as quickly as it should.

The real question is: What is the best way to go about dealing with this problem?

We have many competing values that must be accounted for when we manage our national forest land. One value is timber. But there are many other values that must be considered: wildlife; maintaining the quality of our lakes and streams; and recreation.

I remember not too long ago reading a statement by H.L. Mencken, a former Baltimore Sun journalist. He said, ''For every complicated problem, there is a simple solution—and it is usually wrong.'' And he is right. In many cases, where we face a complicated problem and somebody comes up with a simple solution, it tends to be wrong, too simplistic. It often tends to throw the baby out with the bathwater.

I am very respectful of the underlying concept that we are considering here. Mr. Gorton's language attempts to address some of the frustration we have in the Pacific Northwest about the Forest Service's inability to harvest salvage timber in a timely manner.

I think if you look closely at the Gorton language in this bill, which is tailored after the so-called Taylor amendment in the House, you will see that it goes too far. It rides roughshod over the statutes that this country demands be in place to protect water, wildlife, and to maintain the very integrity of our national forests.

For example, the Gorton language says that ''if any potential salvage sale is in the works by the Forest Service''—not up for bid but going through the hoops—''it is OK.'' We will ignore environmental statutes in the interest of saving a few weeks or months. We will ignore the public's right to make sure that their lands are being cared for in a responsible manner.

I ask for 2 additional minutes.

Mrs. MURRAY. I yield 2 minutes.

Mr. BAUCUS. On the other hand, the Senator from Washington, Senator MURRAY, is also attempting to address this problem. She has a different approach—an approach that balances competing uses and respects the need to adhere to environmental laws. And the Murray amendment does not ignore the underlying public interest in speeding up the timber sale process. It carries a firm mandate to the Forest Service that salvage sales are a national priority. It eliminates many of the existing procedural hoops without sacrificing environmental protection. It shortens the administrative review process by almost half, without sacrificing the rights of the public to have their voices heard. Plain and simple, the Murray amendment directs the Forest Service to move much more expeditiously. To get on with it.

We love our forests. It is a cornerstone to the way we live in Montana. And logging is critical for Montana. Salvage sales are critical. But so are outfitters. Like the timber industry, our guides and outfitters stake their livelihoods on the national forests. Folks come from around the world to hunt and fish in Montana. The outfitting industry is economically critical to our State, and it should be given equal respect when management decisions are made in our national forests.

Unfortunately, the Gorton language is unbalanced. It goes way too far, and does not consider other stakeholders in the national forest. The Murray amendment is balanced. It recognizes that there are competing values at stake. It recognizes that we can speed up salvage sales and create timber jobs without jeopardizing those jobs that depend on our forests having clean rivers and lakes, and abundant wildlife.

I urge Members to support the Murray amendment. I thank the Senator.

Mrs. MURRAY. Mr. President, I yield such time as may be consumed to the Senator from Arkansas, Senator BUMPERS.

Mr. BUMPERS. Mr. President, I thank the distinguished Senator from Washington for yielding to me.

This is a very complex issue, and I understand both sides of it. I come down on the side of the junior Senator from Washington, because I think it is the correct side for the Nation.

I think to go with the language of Senator GORTON sets a very dangerous precedent. Nobody argues with harvesting infested, burnt, salvaged timber. I am for that. Every Member of this Senate is. The language of the Gorton amendment says that the Forest Service will harvest the maximum extent practical.

Then it goes ahead to say we are going to suspend all environmental laws including the Endangered Species Act. This is called sufficiency language saying, cut all you can possibly cut that is practicable, and do not worry about the environmental laws or any other law. And do that in 1995 and 1996.

It is a dangerous precedent. If we go with that, we do not know where we are headed. The pressures from the industry on the Forest Service will be intense. That is the reason the fishermen in the Northwest are very upset and concerned about this. They are concerned that excessive logging will hurt the habitat of the salmon which is disappearing at an alarming rate.

I know the Senator from Oregon wants to provide jobs in those mills, and I want to help him but not by suspending all environmental laws. I have a letter from the Pacific Coast Federation of Fishermen's Association, and they adamantly oppose sufficiency language. I would like to read an excerpt from their letter.

> We oppose the current Congressional effort to approve ''sufficiency language'' or to mandate minimum timber harvest levels in the Northwest. However well meaning, these are nevertheless bad ideas. Sufficiency language would simply override all current protections for salmon and other aquatic species. Mandatory timber harvest levels would essentially do the same. . . . The result would only be additional degradation of already severely damaged salmon spawning habitat.

That ought to weigh heavily with somebody. It does with me. This is the biggest fishing organization in the West.

Mr. President, finally, there is language in this bill, as I read it, that allows the Forest Service to reemploy people who have received a $25,000 buyout.

Mr. President, 3,000 Forest Service employees, approximately, have taken their $25,000 under the Reinventing Government proposal and retired.

Now, here is an incomplete sentence, but if I could have the attention of the Senator from Oregon for a moment, here is what the provision in the bill says—the provisions of section 3D1 of

the Federal Work Force Restructuring Act of 1994: ''Separation incentive payment authorized by such Act and accepts employment pursuant to this paragraph''—now that is an incomplete sentence. I do not have a clue as to what this means. My impression of it is that the Forest Service can take these people who have just taken their $25,000 and retired and put them back to work in order to comply with this maximum extent practicable.

Does the Senator from Washington agree with that?

Mr. GORTON. No.

Mr. HATFIELD. No, I do not agree with that at all.

Mr. BUMPERS. What does this sentence mean?

Mr. HATFIELD. Let me just go back and put this in the context, if I could.

First of all, every timber sale preparation made by Jack Ward Thomas or Secretary Babbitt are required to prepare those timber sales with existing law in which the regulations on fish are there in place.

Those timber sales have to be prepared within that conformity. The so-called sufficiency language takes place after the fact in order to deliver the timber sale that has been prepared under those restrictions.

The Senator is absolutely wrong on this.

Mr. BUMPERS. Here is what the first sentence of the paragraph says:

> Sale preparation. The Secretary concerned shall make use of all available authority, including the employment of private contractors and the use of expedited fire contracting procedures, to prepare and advertise salvage timber sales under this section.

Following that, page 71 of the bill, Senator, following that is the incomplete sentence. If that is not right, I still do not quite understand what it means, because it alludes to the $25,000 buyout.

Mr. HATFIELD. If the Senator will yield for just a moment, let us go back and take the precedent of section 318. Because the same arguments, the same invalid arguments are being used today that were used then.

Let me quote. We went through that whole process underlying laws of NEPA, the National Forest Management Practice Act, and then we declared sufficiency. The Supreme Court ruled.

Mr. BUMPERS. Can the Senator continue this on his time?

Mr. GORTON. I can answer the specific question. The version has been corrected. The sentence is complete in the bill that is before us, and it simply says that someone who has been brought out of the Forest Service and paid, say $25,000, can be hired back temporarily for this purpose without losing the $25,000.

Mr. BUMPERS. But only temporarily?

Mr. GORTON. Yes.

Mr. BUMPERS. That is the Senator's understanding?

Mr. GORTON. Yes.

Mr. BUMPERS. Mr. President, I ask I be permitted to continue for 2 additional minutes without the time being charged on the 1-hour allocation?

The PRESIDING OFFICER. Is there objection?

Mr. GORTON. Mr. President, I will not object if I can add 2 more minutes to the time of Mr. CRAIG.

Mr. BUMPERS. Fine. We just took up some time here.

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

Mr. BUMPERS. Mr. President, I like to think I do not have two better friends than the senior Senator from Oregon and the senior Senator from Washington. They have helped me over the years on many issues of concern to my State. However, I cannot support them on this issue.

I will remind my colleagues that the Senator from Idaho, who is on the floor right now, has introduced a forest health bill that was the subject of a hearing by the Energy and Natural Resource Committee. In fact the bill will probably be marked up in the next few weeks. We should let the authorizing committee do its job. I can assure you that I will do everything I can to make sure that a responsible bill emerges from that committee. I am not going to support something with sufficiency language in it.

If a responsible forest health bill emerges from the Committee, I hope it will automatically supersede the Gorton amendment. What is the Senator from Washington's understanding of this matter?

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I want to answer the question but I do not wish to use my time.

The PRESIDING OFFICER. Is the Senator from Arkansas yielding to the Senator from Washington?

Mr. BUMPERS. I do not want to yield on my time.

Mr. President, I will close by saying one of the things I think the country is concerned about, about what is going on right now—they wanted change. They wanted regulatory reform. But they do not want to throw the baby out with the bath water.

I have seen that old expression: If you think education is expensive, try ignorance. If you think the environmental laws of this country are too tough—and sometimes they can be very frustrating, try living without them and see the kind of damage that will be inflicted on our environment. The Gorton amendment goes too far. I simply cannot support it and urge my colleagues to support the amendment by Senator MURRAY.

I thank the Senator for yielding.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Washington controls the time.

Mr. GORTON. Mr. President, I yield the remainder of my time to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 4 minutes and 40 seconds.

Mr. CRAIG. Mr. President, I stand today in support of the Gorton amendment as now amended; certainly in opposition to the amendment of my colleague, the junior Senator from the State of Washington.

A good many things have been said this afternoon about what these amendments do and do not do. What I really think is important for all of us to understand is the state of the U.S. Forest Service and why we are engaged in a debate this afternoon in attempting to bring about emergency measures to deal with a very sick problem.

I use the word sick because the forests of the inland West are sick. They are the product of 8 years of drought and decades of mismanagement that have resulted in one of the largest fuel buildups, acre by acre, ever in the history of the U.S. Forest Service.

When fuel becomes dry and conditions are right, and Mother Nature comes along with thousands of lightning strikes, what happens is what happened in Idaho last summer and what happened in Colorado and Montana and eastern Washington and eastern Oregon and parts of northern California. Millions and millions of acres burn, wildlife is destroyed—in the instance of the infernos of last summer, 35 human beings lost their lives in an effort to stop these. This was not something that just happened. This was not just an ordinary circumstance. There are many who would like to argue this is Mother Nature at her finest.

Let me suggest it was Mother Nature at her worst. But it was also Mother Nature who had been assisted for decades by the mismanagement of a Forest Service, by allowing the buildup of a phenomenal fuel structure, of timber across these lands that had not been properly managed or thinned or allowed to be like they were before man came along with the tremendous ability to put out fire.

In my State of Idaho before my ancestors came along there were approximately 25 to 30 trees per acre. Today there are hundreds of trees per acre. And as a result of that, there are a million less acres of them and a couple of billion less board feet of them, because they went up in an inferno last summer. So what we are trying to tell Senators here this afternoon is that we have a very sick patient. That patient is called the U.S. public forests of this country, especially in the inland West.

For those who counsel comity, and for those who counsel slowness and process and procedure and time and let us work this out, let me suggest when you have somebody in the emergency room and the life support systems are attached and the heartbeat is very faint, you do not counsel long-term

strategy. You counsel short-term, immediate, emergency relief to resolve some of the problem while you then look at the long term down the road to see if you cannot make it better.

The Senator from Arkansas just a few moments ago spoke to the forest health bill I introduced a couple of weeks ago in the forestry subcommittee of the Energy and Natural Resources Committee. That is the long-term approach. That is what we ought to be doing, by allowing the Forest Service to manage critical situations, be it fires or bug kill or a natural environment that has created this tremendous problem that exists in the West.

But in the short term, with billions of board feet of timber at stake and watersheds and wildlife habitat and trying to avoid a cataclysmic situation of massive runoffs in the next couple of years that could result in the loss of fisheries, in the loss of water quality and stream quality, we need emergency measures now that protect the environment.

What is the offshoot? Well, the offshoot is some timber and some thousands of jobs and a few hundreds of millions of dollars that might come to the Treasury of this country. That is not the first goal. That is the latter goal. That is the fallout. That is the receipt from what we are trying to do here this afternoon.

Here is what we faced in Idaho and across the West last summer. This is not normal. This is one of the hottest fires ever recorded in the history of our environment. It destroyed the soil structure. It created an unnatural problem.

Today we are taking one small step back toward a process and procedure that allows Mother Nature, cooperating with human beings, to make a better environment and in the long term solve a problem that now perplexes the intermountain West and creates a cataclysmic environment that could go on for a long time.

Let us deal with the emergency problem now as this bill does. Let us deal with the long term, with quantitative and qualitative changes of the public law that allow the proper management of the U.S. Forest Service.

Mr. President, a strong 2-year salvage amendment is absolutely necessary to work hand-in-hand with your longer-term forest health bill, S. 391.

Salvage and restoration of the 4 million acres of 1994 fire-burned areas must be started immediately. Without this salvage language, it will not happen. Those in opposition will employ every effort to delay, confuse and derail the agencies' attempts to conduct responsible salvage activities.

Last year's fires burned 4 billion board-feet of timber. If done quickly, much of this timber can be salvaged at considerable return to the Federal Treasury. But, the value of standing, burned trees deteriorates rapidly.

Let me use this display to illustrate the rapid loss of value of trees burned in wildfire:

PONDEROSA PINE VALUE

6 months after fire	2½ years after fire
$725/MBF lumber	$0
$70/ton chips	$0

Six months have now passed since the 1994 fires in Idaho. It is estimated that 2 billion board feet of timber burned in those fires. Since there are mixed species involved, let us estimate that the value of that timber today is $200 per thousand board feet on average. That means it is worth $400 million to the taxpayers today, maybe $200 million 1 year from now, and practically nothing a year beyond that. And let's not forget that 25 percent of this revenue will be returned to local counties. In my State of Idaho, Shoshone County officials have watched their budget drop sharply as a result of the lack of national forest timber sales. They are desperate for some solutions to this situation. They are among the many who have pointed out the absurd situation of no timber sales being offered while dead forests abound.

Let me make another point. The forest fires we are witnessing are not normal and they are not beneficial to the environment. They destroy fish and wildlife habitat and can result in hydrophobic soils. Hydrophobic soils will not percolate water and will cause rainwater to run off the surface in torrents.

We can no longer accept the cost of fighting these first. Cost to Federal agencies alone was $1 billion last year. It makes sense to promote revenues to Federal, State, and county coffers through timely salvage rather than bear the increasing burden of wildfire suppression costs.

I am sorry to report that yesterday was a sad day for the community of smokejumpers around this Nation. Instead of meeting with me as I requested, a group of five smokejumpers rushed to meet with press to impugn the integrity of those of us who support some measure of salvage logging. Their statements about salvage logging are filled with inaccuracies. Until now, smokejumpers have enjoyed a good deal of reverence and support in the Congress. Now, the reputation of all smokejumpers has been called into question by the conduct of these five from within their ranks.

Under the tutelage of preservation discontents, these jumpers have become self-pronounced forest policy experts. Their tactic was, first, make a splash in the press, and then meet with their elected representatives to discuss the facts. It seems they are attempting to characterize me as using the deaths of 35 firefighters in 1994 fires as a means to promote salvage logging. I am incensed at this insinuation. Such personal attacks have no place in the debate over this issue. These smokejumpers have disgraced themselves.

However, this incident illustrates perfectly why this salvage amendment is so necessary. As the process stands now, activists of every stripe find it easy to be obstructionists using appeals, threats, intimidations and false accusations in the media to slow down or stop the agencies' salvage efforts. It is past time for Congress to step in and clear a procedural path which the agencies can use to make responsible salvage decisions and carry them out. That is what this salvage provision will do, and that's why it must remain in this rescission legislation.

I compliment Senator GORTON and Senator HATFIELD for providing leadership on this issue. And the Senator from Montana for his amendment.

I ask unanimous consent letters to me on this subject be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

POTLATCH CORP.,
Lewiston, ID, March 28, 1995.

Senator LARRY CRAIG,
U.S. Senate, Washington, DC.

DEAR SENATOR CRAIG: I am writing to ask for your continuing strong support for the Emergency Timber Salvage Amendment to the Omnibus Recissions Bill.

As you know, more than 600,000 acres of Idaho National Forests burned last summer. The fires resulted from years of drought combined with years of mismanagement allowing overstocked, diseased and dying timber stands to go untreated until finally fire reset the ecological clock.

Nationwide, the federal government spent over $900 million fighting forest fires on 4 million acres with lives lost, private property destroyed and fragile wildlife and plant species put at risk.

This bill is a common-sense approach for quickly salvaging burned timber which will be converted to useful products for American families supporting rural economies in the process.

Opponents claim that all environmental laws are being by-passed. This is simply not true. The Amendment streamlines some of the time-consuming requirements of those laws in order to ensure timely action. But environmental assessments and biological reviews still must be done, and the Secretary of Agriculture still can veto any proposed sale.

You and I know this is an emergency and that salvage efforts must begin immediately to minimize values lost from rapidly deteriorating burned timber. The environmental safeguards are sufficient and the costs of delay are too great.

I hope you agree and will support the Salvage Amendment. Please feel free to contact me if you have any questions about the Amendment or its impacts.

Sincerely,

KEVIN C. BOLING,
Director Public Affairs,
Northwest Region.

CROWN PACIFIC INLAND,
March 27, 1995.

Senator LARRY CRAIG,
U.S. Senate, Washington, DC.

DEAR SENATOR CRAIG: I am writing to ask your support for the Emergency Timber Salvage Amendment to the Omnibus Recissions Bill.

Last summer, more than four million acres of forests burned, largely because of buildups of dead and dying timber. Over $1 billion was spent to control those fires, and several lives were lost in the process.

The amendment would allow the Forest Service to recover some of the fire-damaged trees, and dying timber elsewhere, through emergency salvage sales. No new money is needed to do this; it's already contained in the agency's salvage trust fund.

As a bonus, the amendment would return millions of dollars to the Treasury, provide jobs for forest service workers, and give federal foresters the ability to convert dead, dying and burned forests into healthy young forests in order to stabilize soils, protect streams, reduce the risk of catastrophic fire, and develop habitat for wildlife.

Opponents claim that all environmental laws are being by-passed. This is simply not true. The amendment cases some of the time-consuming requirements of those laws in order to ensure timely action. But environmental assessments and biological reviews still must be done, and the Secretary of Agriculture still can veto any proposed sale.

Remember we are dealing with an emergency. Salvage work has to begin immediately to gain value from already-burned timber and to remove dead and dying timber before it is consumed in this year's firestorms. I believe environmental safeguards are sufficient, and the costs of delay are too great.

I hope you agree and will support the salvage amendment. Please feel free to contact me if you have any questions about the amendment or its impacts.

Sincerely,

LARRY ISENBERG,
Manager Timber & Lands.

LEWISTON, ID.

Senator LARRY E. CRAIG,

DEAR SENATOR CRAIG: I just received a notice that said that efforts were being made to weaken the language on fire killed timber salvage. As you already know, we here in Idaho have been plagued by punishing droughts for the last several years. Most likely this drought condition has been the major cause of the fires we had last year. We need to salvage and use all the timber we can. Punishing us further does not make any sense.

The salvage levels and accountability need to be the same as the recently approved House version (Taylor-Dicks Amendment).

Very truly yours,

SUE KNOLL.

BOISE CASCADE,
TIMBER AND WOOD PRODUCTS DIVISION,
Emmett, ID, March 27, 1995.

Hon. LARRY CRAIG,
U.S. Senate, Washington, DC.

DEAR SENATOR CRAIG: This letter is to thank you for your continued support of the Emergency Timber Salvage Amendment to the Omnibus Rescissions Bill.

Salvage made available under this amendment will help maintain jobs in the local communities where we operate, while providing funds for reforestation and payments to counties.

Your efforts on this issue are greatly appreciated.

Sincerely,

DAVE VAN DE GRAAFF,
Region Timberlands Manager.

SCHWEITZER MOUNTAIN RESORT,
Sandpoint, ID.

Date: March 29, 1995.
Fax No: 202–226–2573.
Facsimile To: Sen. Larry Craig.
Company/Branch: U.S. SENATE.
Facsimile From: Barbara Huguenin.
Message: The Salvage levels and accountability need to be the same as the recently approved House version (Taylor-Dicks amendment).

The PRESIDING OFFICER. The Senator from Washington has 2 minutes.

Mrs. MURRAY. Mr. President, I ask unanimous consent that Senator LEAHY be added as an original cosponsor.

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

Mrs. MURRAY. I ask unanimous consent a letter submitted to the Members of Congress from the Pacific Coast Federation of Fishermen's Associations be printed in the RECORD.

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

PACIFIC COAST FEDERATION
OF FISHERMEN'S ASSOCIATIONS,
March 13, 1995.

Re fishing industry groups oppose ''sufficient language'' and mandated timber harvests.

Members of Congress,
Capitol Hill,
Washington, DC.

DEAR MEMBER OF CONGRESS: The Pacific Coast Federation of Fishermen's Associations (PCFFA) is the largest organization of commercial fishermen on the west coast, with member organizations from San Diego to Alaska. We represent working men and women of the Pacific fishing fleet who generate tens of thousands of jobs and are the economic mainstay of many coastal communities throughout the Pacific coast region. We are joined in this letter by the Northwest Sportfishing Industry Association (NSIA), which represents the many sportfishing businesses in the Northwest. There are more than 5,000 such businesses in this region, with several thousand more in Alaska. Between our two organizations we represent several billion dollars annually in economic productivity, and more than 100,000 jobs along the Pacific coast as well as far inland.

We oppose the current Congressional effort to approve ''sufficiency language'' or to mandate minimum timber harvest levels in the Northwest. However well meaning, these are nevertheless bad ideas. Sufficiency language would simply override all current protections for salmon and other aquatic species. Mandatory timber harvest levels would essentially do the same, since many levels could not be reached without severe damage to other resources. The result would only be additional degradation of already severely damaged salmon spawning habitat, more economic dislocation within fishing communities, and more lost jobs in our industry. Salmon throughout the region have already been severely depressed because of past timber harvests done without regard to their environmental consequences. This region cannot afford to go down that road once again.

We also are a natural resource dependent industry. We are sympathetic to the plight of timber communities, and are not opposed to harvesting timber through the existing Forest Plan or in ways that are legal under current law. However, it makes no economic sense to harvest timber on the backs of fishermen and at the expense of the jobs and coastal communities which salmon support. This would be a form of economic suicide for the region.

Federal management agencies already have an aggressive fire salvage program, and all the legal authority they need to implement it. However, they should not be forced by law to move faster than they can complete the necessary environmental assessments and watershed analyses so they can take the proper steps to protect fragile salmon and other aquatic resources. The solution is not ''sufficiency language,'' nor is it mandated levels. The real solution would be to accelerate funding to the USFS and BLM to enable them to more quickly complete the necessary watershed analyses for their own planned salvage and harvest programs.

Sufficiency language and mandated harvest levels are simply bad ideas. If enacted, they would further deplete salmon and other aquatic resources which it is vitally important to protect. They would also further devastate fishing economies throughout the region. They would throw our industry further into economic chaos. They would make it just that much tougher, and just that much more expensive, to restore the Northwest's valuable salmon runs back to full productivity.

We urge you to oppose every attempt to impose ''sufficiency language'' to override current environmental protections as well as the setting of mandatory harvest or salvage levels on our nation's forests—whether by appropriations rider, amendment or separate legislation. Thank you.

Sincerely,

ZEKE GRADER,
Executive Director,
Pacific Coast Federation of Fishermen's Associations.

LIZ HAMILTON,
Executive Director,
Northwest Sportfishing Industry Association (NSIA).

Mrs. MURRAY. I yield the remaining time to the Senator from New Jersey.

Mr. BRADLEY. Mr. President, I am very disturbed by the content of the amendment of the senior Senator of the State of Washington. The language of this amendment would allow the suspension of all environmental laws applicable to logging on certain forests managed by the U.S. Forest Service and the BLM—all environmental laws.

This language would cover any timber offered through September 1996, in a salvage sale, a term that is so broadly defined as to apply virtually to any kind of timber sale.

The language of the bill says:

> A salvage timber sale means a timber sale for which an important reason for entry includes removal of diseased, damaged trees or trees affected by fire and imminently susceptible to fire or insect attack.

Mr. President, as I read this amendment, that language means to limit salvage timber sales to areas where the trees are still made of wood; all wood would be susceptible to insect or fire. Therefore, all would be included in this amendment, and environmental laws for the logging of such timber would be not relevant.

So, Mr. President, I hope that we will support the amendment of the Senator from Washington. I think she has taken a politically difficult and dangerous course, and has done so on the stand of principle and in a way that does not savage the environmental law. I salute her for doing this.

Sometimes in haste, in an effort to respond to what is a crisis, we make big mistakes. This should not even be

on an appropriations bill. It should be in the authorizing committee. It is not. It is the wrong piece of legislation on the wrong bill at the wrong time, and it should be rejected because it sets an incredibly dangerous precedent.

Mr. HATFIELD. Mr. President, in my State, and throughout most of our Federal forest nationwide, we are experiencing a forest health crisis of epic proportions. In 1994, 80 years of fire suppression and almost a decade of drought conditions culminated in one of the worst national fire seasons on record. Thirty-three fire fighters lost their lives and $900 million was spent fighting these fires. Fourteen of the fire fighters who died were from Prineville, OR, a small town in my home State. Congress must act swiftly to address this situation or face a 1995 fire season as bad or worse than 1994.

Congress has known about the forest health and fire danger problem for a long time. In July 1992, the Senate Energy and Natural Resources Committee held a hearing on forest health. At this hearing, Jack Ward Thomas, then a researcher and now Chief of the Forest Service, stated ''we should proceed with salvage as soon as possible, and as carefully as possible.'' In fact, at that 1992 hearing, the Forest Service identified 850 million board feet of timber in eastern Oregon and Washington alone that needed to be salvaged in 1992 and 1993. Only half of that volume, however, has been actually salvaged.

The forest health crisis exists nationwide, but in my State it is particularly acute. Of the 5 million acres of Oregon's Blue Mountains, 50 to 75 percent contains predominantly dead or dying trees. According to the Forest Service, the land management practices of the past 80 or 100 years are the primary reasons for the poor health of Oregon's, and the Nation's, forests. Fire suppression, the single largest contributing factor, has prevented naturally occurring, low-intensity fires to clear out the understory of forest stands. This has allowed less-resilient, shade tolerant tree species such as white fir, and Douglas fir, to flourish. These trees have been prime targets for disease, insect infestation, and now wildfire.

It is time to begin the healing process in our forests that Jack Ward Thomas felt was so important 3 years ago. Congress can live up to its responsibility to provide direction to the land management agencies by passing the Gorton salvage amendment.

As many of my colleagues know, salvage logging is not without controversy. Although it is part of regular Forest Service practice, some seek now to block the salvage of diseased and bug infested timber as a land management option. To put their position in perspective, these same voices have publicly stated that their preferred goal is to eliminate the harvesting of any and all trees from Federal lands—even for the enhancement of forest health. This dogma is so stringent that the catastrophic loss of our natural resources through disease, insect infestation and fire is preferable to having the health of these forests restored for future generations.

The radical doctrine of no use, which certain groups are now advocating, not only threatens the future health of our forests, it threatens the underlying base of political support for one of our Nation's most important environmental laws—the Endangered Species Act.

I was the original sponsor of the 1972 version of the bill which eventually went on to become the Endangered Species Act. I believe the act epitomizes the respect we, as a nation, hold for our environment and our natural surroundings. While I have made it clear that I believe some fine tuning of the act needs to occur during the upcoming reauthorization debate, I worry that when moderate positions, such as the one put forth in the Gorton amendment, become polarized, fodder is given to those whose goal is to abolish or gut the act. I will do my best to prevent this from happening, but the position of some groups on this salvage amendment simply perpetuates the attitude that all environmental laws, including the ESA, have gone too far and need to be significantly altered or scrapped.

These concerns are merely symptoms of a larger problem—the breakdown of our Nation's land management laws. The result of this breakdown is a problem of national significance with little ability in the law for land managers to take care of the problem in a timely manner.

Unfortunately, for those of us who have been around a while, this situation is all too familiar.

Almost 6 years ago, I stood here on the floor with my colleagues from the Pacific Northwest, the Senate Appropriations Committee and the Senate authorizing committees to announce a temporary solution to a crisis in the Pacific Northwest. This compromise was sponsored by myself and then-Senator Adams from Washington State, and was supported by every member of the Pacific Northwest delegation. It was truly an extraordinary measure, meant to address an extraordinary situation.

Recognizing the temporary nature of this solution, many Members of Congress believed that larger issues loomed and needed to be addressed. Namely, that the forest management and planning laws, originally enacted in 1976, were in serious need of revision. During the course of the debate on the Hatfield-Adams amendment I entered into a colloquy with then-chairman of the Senate Agriculture Committee, Senator LEAHY, to proclaim the temporary nature of the amendment and announce our intentions to pursue a long-term solution through the review and revision of our Nation's forest management laws in the authorizing committees.

Six years later, however, our forest management laws are unchanged.

When the Northwest timber compromise was developed in 1989, I took the promises of my colleagues to address our Nation's long-term forest management laws very seriously, and I was determined to do my part to address this growing dilemma. In 1990, I introduced legislation, called the National Forest Plan Implementation Act, to assist with the implementation of forest plans developed as a result of the 10-year planning processes enacted by Congress in 1976. Two years later, another comprehensive bill was introduced by Senator Adams to address the long-term issue. Both of these measures were referred to the Senate Agriculture Committee where no hearings were held and they died in committee.

The next year, in 1991, I was a primary cosponsor of Senator PACKWOOD'S Forest and Families Protection Act, which dealt with a number of the same issues as my 1990 bill and also addressed the issues of rural development and workers. This legislation was referred to the Senate Energy and Natural Resources Committee, of which I am a member, where we were able to hold several hearings and a markup on the bill. Unfortunately, the bill never made it to the floor for consideration.

My point is, Mr. President, many of us have undertaken significant efforts to live up to the commitments of 1989 to address the long-term management of our forest resources through the authorizing committees. Unfortunately for the entire Nation, the other Senate authorizing committees with jurisdiction over this issue have not felt compelled to do the same.

The Gorton amendment to the rescission bill begins to address this problem by doing three things to address the emergency situation that now exists in many forests. The first is national in scope and provides our Federal land management agencies with the flexibility to conduct environmentally sensitive forest health/salvage activities. These activities will be done using the agencies' own standards and guidelines for forest and wildlife management.

Second, the Gorton amendment releases 375 million board feet of timber sales in western Oregon that were previously sold to timber purchasers. Most of these sales, originally authorized by the Northwest timber compromise amendment of 1989, were determined by the record of decision for President Clinton's option 9 plan not to jeopardize the existence of any species. To ensure further protections, the Gorton amendment includes provisions prohibiting activities in timber sale units which contain any nesting threatened or endangered species.

Finally, the Gorton amendment gives the Clinton administration more tools with which to implement timber sales in the geographic area covered by its option 9 plan. As a vocal critic of option 9 and the process that was used to develop it, I have some concerns about this section of the Gorton amendment. Nevertheless, I applaud the sponsor's

efforts to give the administration all possible tools to meet its promises to get wood to the mills of the Pacific Northwest in the next 18 months.

While the first portion of the Gorton amendment is national in scope, these last two sections will assist the President in meeting his commitments to the workers, families, and environment of both western and eastern Oregon and Washington.

I came to the floor in 1989 to offer the Northwest timber compromise because we were witnessing what was then a crisis for the rural communities of my State. Since that time, 213 mills have closed in Oregon and Washington and over 21,800 workers have lost their forestry-related jobs. In addition, the forests in the eastern half of these two States are in the worst health in a hundred years.

These national forests and communities cannot wait through another fire season like 1994 for Congress to finally meet its commitments to rewrite the Nation's forest management laws. I have every confidence that the new Republican Congress will do its best to meet that challenge, but the Gorton amendment is necessary to help us bridge that gap. It is a much needed piece of legislation for our Nation's forests and timber dependent communities.

There are those whose agenda is to prevent people from managing our forests altogether. They would rather let our dead and dying forests burn by catastrophic fire, endangering human life and long-term forest health, than harvest them to promote stability in natural forest ecosystems and communities dependent on a supply of timber from Federal lands. The Gorton amendment says we can be reasonable in what we do in the forests and harvest trees for many uses—forest health, community stabilization, ecosystem restoration, and jobs for our workers.

I urge my colleagues to support the Gorton amendment to the fiscal year 1995 rescissions bill.

The PRESIDING OFFICER (Mr. BENNETT). All time has expired.

Mrs. MURRAY. Mr. President, I ask for the yeas and nays.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. I move to table the Murray amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion of the Senator from Washington to lay on the table the amendment of the Senator from Washington [Mrs. MURRAY]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from North Dakota [Mr.CONRAD], the Senator from North Dakota [Mr. DORGAN] and the Senator from Florida [Mr. GRAHAM] are necessarily absent.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. FAIRCLOTH] is necessarily absent.

I also announce that the Senator from Kansas [Mrs. KASSEBAUM] and the Senator from Minnesota [Mr. GRAMS] are absent due to a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 48, nays 46, as follows:

[Rollcall Vote No. 121 Leg.]

YEAS—48

Abraham	Gorton	Murkowski
Ashcroft	Gramm	Nickles
Bennett	Grassley	Packwood
Bond	Gregg	Pressler
Brown	Hatch	Reid
Burns	Hatfield	Santorum
Campbell	Helms	Shelby
Coats	Hutchison	Simpson
Cochran	Inhofe	Smith
Coverdell	Kempthorne	Snowe
Craig	Kyl	Specter
D'Amato	Lott	Stevens
DeWine	Lugar	Thomas
Dole	Mack	Thompson
Domenici	McCain	Thurmond
Frist	McConnell	Warner

NAYS—46

Akaka	Feinstein	Lieberman
Baucus	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Harkin	Moynihan
Boxer	Heflin	Murray
Bradley	Hollings	Nunn
Breaux	Inouye	Pell
Bryan	Jeffords	Pryor
Bumpers	Johnston	Robb
Byrd	Kennedy	Rockefeller
Chafee	Kerrey	Roth
Cohen	Kerry	Sarbanes
Daschle	Kohl	Simon
Dodd	Lautenberg	Wellstone
Exon	Leahy	
Feingold	Levin	

NOT VOTING—6

Conrad	Faircloth	Grams
Dorgan	Graham	Kassebaum

So the motion was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

HONORING JEREMY BULLOCK

Mr. BAUCUS. Mr. President, I would like to welcome some special friends to Washington today. They are Penny Copps of Butte, and Penny's son, Steve Bullock, late of Montana and now living here in Washington, DC.

Just about a year ago, the entire Bullock family weathered about the worst blow any family can take.

Eleven-year-old Jeremy Bullock—the grandson of Penny and her husband Jack; Steve's nephew; the son of Bill and Robin; Joshua's twin; the elder brother of Sam, Max and now Kaitlyn—was shot and killed, on the playground at the Margaret Leary Elementary School, by an emotionally troubled fourth grader.

The family and the whole Butte community, has been through a terrible test. The loss can never be repaired. But they are working together to use this tragedy to make our State of Montana, and all of America more sensitive to and aware of the violence that has hurt so many of our youth. They have a spent a year teaching, learning, and doing their best to make sure no other family suffers such a loss.

It is now my great privilege to read to you a statement written by the Bullock family in memory of their son, Jeremy.

There is nothing more infectious than a child's laugh.
Nothing more disarming than the innocence of a child's question.
What fills the void when our children's voices can no longer be heard?

On April 12, 1994, Jeremy and Joshua, eleven-year-old-identical twins, woke, dressed, had breakfast and left for school that day, the same as any other day. It was library day, so Jeremy's backpack was heavy with books he had read and was returning.

Weeks later, a police officer worked up the courage to give Jeremy's family that backpack. He had tried to scrub the blood from the canvas, trying to ease the pain in the only way he knew how. For on April 12, 1994, eleven-year-old Jeremy was shot and killed at his school by a child whose only explanation was ''No one loves me.''

Jeremy Michael Seidlitz Bullock lived in a home in Montana where violence was not condoned. He was not allowed to watch violence on television or play games glamorizing violence. Instead, he was active in sports. Jeremy loved to sing. He listed his hobby as getting good grades. School was his second home, a place where children laughed and learned.

Jeremy wanted to become a teacher or an environmental engineer. Jeremy and his brother Josh would spend hours on hikes, coming home with their pockets overflowing with garbage they picked up along the way. Jeremy believed that leaving places he visited better than the way he found them was a good way to live.

Jeremy loved and was deeply loved. Yet, he was not safe because collectively we allowed Jeremy's voice to be silenced.

Every day in America the voices of 10 of our children are silenced by violent acts. Over three million of our children ages 3 to 17 are exposed to parental violence every year. Our children will witness over 200,000 acts of violence on television by the time they turn 18. A new handgun is manufactured every 20 seconds in America. And many of them wind up in the wrong hands.

We passively listen and accept the statistics, but do we listen for the voices lost?

On behalf of Jeremy's family and children everywhere, we will designate April 12 as a day of remembrance of

Jeremy and dedicate ourselves to creating a safe world for all of our children.

We dedicate ourselves to taking that walk with Jeremy, and accepting his simple challenge: Are we leaving this place that we visit better than the way we found it?

Our children need not lose their voices while we stand by, overwhelmed by the magnitude of the problem.

There is much we can do. We can tell the media we will not be consumers of glorified violence. We can direct our children toward nonviolent entertainment and help them find acceptable ways to express anger and resolve conflict. we can extend the boundaries of our families to include caring about and caring for the children of our community.

And when we become discouraged, we must rededicate ourselves by straining our ears, to hear the empty void left behind. Listen for the voice of eleven-year-old Jeremy Bullock, and listen for the voices of others that have been silenced. For the pain in remembering is little compared to the pain in realizing that others may soon forget.

Mr. President, April 12 is the first anniversary of this tragedy. And on that day, the Bullocks will join the Margaret Leary School and the whole Butte family in dedicating a soccer field to the memory of Jeremy Bullock.

Every so often, people in Washington—and, I suppose, people anywhere—lose sight of what really counts. We get wrapped up in policy arguments, debates over bills and so on. People like the Bullocks can remind us of what is truly important—our families, our communities, our children.

I hope all of us—here on the floor, up in the galleries, watching on C–SPAN—will listen to this courageous family.

Mr. President, I yield the floor.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I am going to offer an amendment. I am going to take about 15 seconds.

Mr. HATFIELD. Will the Senator yield for just a moment, please?

Mr. GRASSLEY. Yes.

Mr. HATFIELD. We are in a situation where we really have the D'Amato amendment as the pending business.

Mr. GRASSLEY. Can I ask to set that aside?

Mr. HATFIELD. For how long?

Mr. GRASSLEY. For about 60 seconds.

Mr. HATFIELD. Mr. President, I ask unanimous consent to set aside temporarily the D'Amato amendment in order for the Senator from Iowa to offer a 60-second amendment.

Mr. DODD. Reserving the right to object, I have no objection. You are not going to offer your amendment at this point but just to make a statement?

Mr. GRASSLEY. It has been accepted, and I want to offer it.

Mr. HATFIELD. It is noncontroversial.

Mr. DODD. I have no objection.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 430 TO AMENDMENT NO. 420

(Purpose: To prohibit the use of funds by the Secretary of Agriculture to delineate new agricultural wetlands, except under certain circumstances)

Mr. GRASSLEY. Mr. President, on behalf of Senator DORGAN and myself, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for himself and Mr. DORGAN, proposes an amendment numbered 430.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION ON USE OF FUNDS TO DELINEATE NEW AGRICULTURAL WETLANDS.

(a) IN GENERAL.—Except as provided in subsection (b), during the period beginning on the date of enactment of this Act and ending on December 31, 1995, none of the funds made available by this or any other Act may be used by the Secretary of Agriculture to delineate wetlands for the purpose of certification under section 1222(a) of the Food Security Act of 1985 (16 U.S.C. 3822(a)).

(b) EXCEPTION.—Subsection (a) shall not apply to land if the owner or operator of the land requests a determination as to whether the land is considered a wetland under subtitle C of title XII of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.) or any other provision of law.

Mr. GRASSLEY. Mr. President, my amendment prohibits the Secretary of Agriculture from expending funds to continue the wetland certification and delineation process on agricultural land, unless requested by the landowner.

It is my understanding that the amendment has been cleared by both the Agriculture Committee and the Environment and Public Works Committee and will be accepted by the managers of the bill.

My amendment safeguards the property rights of our Nation's farmers by prohibiting the Secretary of Agriculture from expending funds to delineate new wetlands on agriculture land until the end of the year. This rescission will allow Congress the opportunity to reform wetlands policy through new legislation. It will also allow the public to have input into the process. Thus far, the landowners have been shut out of the process.

As you know, no less than four Federal agencies claim jurisdiction over the regulation of wetlands. Just think of how impossible it must be for the family farmer to understand what four different Federal agencies want him to do in regard to wetlands on his private property.

Last year, these agencies entered into a memorandum of agreement. Although the MOA was intended to streamline the regulatory process and clarify the role of each agency, it has increased the level of confusion and frustration among those farmers affected by it.

The delineation of wetlands on agricultural land has been a confusing proposition for some time. On the other hand, the consequences of the delineations are very clear. A farmer who alters a wetland without authorization from the Federal Government faces potential civil penalties, criminal action, and loss of farm programs benefits. Because the stakes are so high, we must ensure that the delineation process is accurate and reasonable. And we must ensure that the voice of the farmer is allowed to be heard when the process is put into place.

As I speak, new wetland delineations are being conducted in the State of Iowa pursuant to the MOA. It will soon cover every other State affected by agricultural wetlands. So farmers in all States will soon be deprived of the right to farm their land or improve their property because a Federal bureaucrat decides that such activity interferes with a protected wetland.

This process is being done in a laboratory, by people unknown to the farmers, who take soil surveys and aerial photography and try to find evidence of wetlands, in order to get more farmers under their regulatory umbrella. This process disturbs me greatly.

The old Soil Conservation Service worked alongside farmers for the past 60 or 70 years. There was a close relationship between the farmer and SCS officials. They shared a common goal of promoting conservation of the land. That sort of cooperation has resulted in more benefit to the environment than any other USDA program. But I am afraid that this cooperative spirit has been lost.

The current process has shut out the farmer. The bureaucrats are making decisions without consultation with farmers. We have gone through this process before—with the passage of the swampbuster and sodbuster provisions of the 1985 farm bill. For the most part, farmers did not complain about the process then—because there was an open effort on the part of the bureaucracy to work with the farmers, to educate them on the process and to solicit the farmers' input. But that is not the case this time around.

Mr. President, I want to make it very clear that I am not opposed to protecting valuable wetlands. My vote for the antisodbuster and antiswampbuster provisions in the 1985 farm bill is proof of that. And I am making no attempt

to roll back the provisions of that bill. However, I am opposed to changing the rules every few years so that farmers can never be certain if their conduct is allowed under the current regulatory scheme. I am also opposed to the promulgation of an MOA that will significantly affect the ability of private property owners to improve their land, without the benefit of input from the people affected by the agreement.

My amendment will allow for this input through congressional hearings on wetlands policy. At the very least, Congress should ensure that the concerns of private property owners are heard before they are deprived of the use of their land.

The amendment will also stop the bureaucracy from acting based on the flawed memorandum of agreement. I believe that this Congress is committed to reforming Federal wetlands policy. This policy should be based on sound science, recognize the constitutionally protected rights of private property and, above all, institute a large dose of common sense into the program. This amendment stops the Government from finding new wetlands on farm land until this reform can be put in place.

Mr. President, in closing I want to make sure that my colleagues understand the scope and the intent of this amendment. The amendment will in no way affect the regulation of wetlands currently listed on the wetlands inventory. Furthermore, it will not interfere with a landowner's ability to obtain a section 404 permit or a swampbuster determination.

What the amendment does, simply stated, is this: The amendment prohibits the Natural Resource Conservation Service from conducting its certification process and adding new wetlands to the inventory until 1996.

Opponents may argue that it was the agricultural interests that wanted the NRCS to be the lead agency in determining wetlands on agricultural lands. This is accurate, however, the agricultural community believes that the MOA is a flawed document and they overwhelmingly support this amendment. In fact when I introduced this moratorium as a free-standing bill, 14 farm groups from across the political spectrum signed a letter to President Clinton supporting the bill. These groups range from the conservative-leaning American Farm Bureau Federation to the bipartisan Association of State Departments of Agriculture to the more-liberal National Farmers Union. I would also note that the bill is cosponsored by 18 other Senators from both sides of the aisle. All of us involved in agriculture want to relieve the regulatory burden placed on farmers by Federal wetlands policy. This amendment will allow Congress some time to do just that. I urge my colleagues to accept this amendment.

(At the request of Mr. GRASSLEY, the following statement was printed in the RECORD.)

• Mr. DORGAN. Mr. President, I have cosponsored this amendment with the Senator from Iowa and ask this body's approval. I will be unable to come to the floor today because I must be in North Dakota to testify before the Base Realignment and Closure Commission.

We sought this amendment so the Federal agencies who implement the Swampbuster law will avoid creating unnecessary confusion for farmers who are subject to the regulations and rules on management of wetlands.

In the 1990 farm bill, we made some improvements on wetland regulations, including provisions that assign the Department of Agriculture as lead agency for implementing swampbuster regulations on farmland. To fulfill the intent of the 1990 farm bill, the Federal agencies have proposed some changes in rules and operating procedures for mapping, or delineating, wetlands on farmland. Those new procedures are expected to be implemented this year.

Our amendment will hold up implementation of those new procedures and mapping conventions until Congress reviews the swampbuster law as part of the farm bill this year. Congress may, in fact, change its approach to the small, temporary wetlands, called type I wetlands, and many of us in Congress want to see some changes in that area. It only makes sense to avoid implementation of changes in wetlands rules this year if more are to be made in the farm bill.

In consideration of farmers who must try to understand and conform to Federal wetlands requirements, we simply must not change the rules every year.•

Mr. CHAFEE. Mr. President, as I understand this amendment, it prohibits the Secretary of Agriculture from conducting new wetland delineations or certifications on agricultural lands, except at the request of a landowner or operator, for the purposes of carrying out wetland conservation programs under title XII of the 1985 Food Security Act. The amendment does not apply to the wetlands regulatory program under section 404 of the Clean Water Act. Therefore, the Grassley amendment in no way restricts the Secretary of Agriculture, through the National Resources Conservation Service, from delineating wetlands on agricultural lands for the purposes of carrying out section 404 of the Clean Water Act.

Mr. GRASSLEY. The Senator from Rhode Island is correct.

Mr. CHAFEE. I thank the Senator from Iowa for clarifying that point. It follows then that the January 1994 memorandum of agreement among the Department of Agriculture, the Environmental Protection Agency, the Department of the Interior, and the Department of the Army concerning the delineation of wetlands for purposes of section 404 of the Clean Water Act and subtitle B of the Food Security Act is not suspended by this amendment. And, in accordance with that memorandum of agreement, the Natural Resources Conservation Service will make wetland delineations on agricultural lands for the purposes of determining section 404 jurisdiction.

Mr. GRASSLEY. That is correct. My amendment does not suspend the general terms and procedures of the interagency memorandum of agreement on wetland delineations with the exception of the terms of that agreement relating to new delineations and new certifications of wetlands on agricultural lands under section 1222(a) of the Food Security Act of 1985.

The PRESIDING OFFICER. Is there further debate?

Mr. HATFIELD. I understand that a copy of that amendment is available.

Mr. GRASSLEY. Yes. Senator DORGAN cleared it on the Democratic side, and I have cleared it on our side.

Mr. HATFIELD. I understand. The Senator is correct. But there is a Senator who has asked to see a copy of it.

Mr. GRASSLEY. I am sorry if it has not been cleared.

Mr. BYRD. Mr. President, it is my understanding that Senator LEAHY wishes to see the amendment.

Mr. GRASSLEY. We cleared it with him.

Mr. BYRD. That is the word I am receiving.

Mr. HATFIELD. Mr. President, I ask unanimous consent to set aside the Grassley amendment temporarily.

The PRESIDING OFFICER. Is there objection?

Mr. BUMPERS. Reserving the right to object, what was the request?

Mr. HATFIELD. I was asking unanimous consent to temporarily lay aside the Grassley amendment until the Senator can read it and others can read it who are interested.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be set aside.

AMENDMENT NO. 427 TO AMENDMENT NO. 420

The PRESIDING OFFICER. The question now recurs on amendment No. 427 offered by the Senator from New York.

Mr. DODD. Mr. President, I understand my colleague from Arizona wants some time on this amendment.

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

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

Mr. GRASSLEY. Mr. President, back on my amendment, we have now been able to clear it with the necessary Members who had some doubt, although I was correct in my first statement that it had been cleared. But there was some question about which version. We have that all settled now.

Mr. President, I ask that we take final action on my amendment.

Mr. HATFIELD. Mr. President, the Senator is correct. It has now been completely cleared on both sides. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 430) was agreed to.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

Mr. HELMS. Mr. President, I ask unanimous consent that the D'Amato amendment be laid aside temporarily.

Mr. DODD. Mr. President, reserving the right to object, may I inquire of my friend from North Carolina?

Mr. HELMS. Mr. President, I will say to the Senator, I think maybe we ought to do something around here except sit around in quorum call with the threat of being here all night. I have two or three amendments I would like to offer. So I would go ahead with my amendment if the Senator from Connecticut and others on his side will permit me to do so.

Mr. DODD. May I say, Mr. President, to my good friend from North Carolina, I think an effort is being made here to see if we cannot come up with some resolution of the issue. I respect immensely the desire to move along. The Senator from North Carolina is aware this has only occurred because an amendment was offered. Certainly I am anxious to see us move along at this point.

With all due respect to my colleague, at this juncture I think we are fairly close to striking an agreement. I am going to object.

Mr. HELMS. Before the Senator objects, I was going to say if, as, and when an agreement is reached, the Helms amendment could be laid aside.

Mr. DODD. I think at this point here I just would like to see if—we are fairly close, I say to my colleague. I have several colleagues over here who have been holding up for the last hour, sitting here at my request not to go forward until we get a resolution. The Senator from California, the Senator from Nebraska—there is one other one, I think—had amendments pending. The Senator from Arizona. They agreed. With all due respect, in fairness to them, I object to going forward.

Mr. HELMS. If the Senator would yield, let me suggest we do something, just not sit here——

Mr. DODD. We are right now, Senator.

Mr. HELMS. Under the quorum call rule, rolling on like Tennyson's brook.

Mr. DODD. I appreciate my colleague's concerns. But I did not create the situation we are in. I am just responding to the situation we are put in. I understand and I am sympathetic to his concerns. But with all due respect to my friend from North Carolina—and he is that—I respectfully object.

Mr. HELMS. As the saying goes, you probably will not love me in the morning.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Mr. President, let me say that I am desirous of attempting to accommodate my colleagues, particularly the chairman of the Appropriations Committee and my colleagues on the Appropriations Committee, and those who are interested.

Mr. KERREY. Is the Senate in quorum call?

Mr. D'AMATO. Yes, the quorum call was called off. The quorum call was called off. The Senator yielded the floor and I am making a statement. I believe I have the floor.

The PRESIDING OFFICER. There is no quorum call.

The Senator from New York has the floor.

Mr. D'AMATO. In an attempt, Mr. President, to move the process, I have attempted to work out an agreement with my colleagues who share a concern as it relates to the inadequacy of time to debate this very important legislative proposal.

I must say to you, I have no disagreement with providing ample time. Yet, if we were to have more extensive debate—and we have had 3 hours plus—I recognize that would impede us from going forward on this important legislative initiative.

Therefore, it is in that spirit, that spirit with my colleagues, that I have indicated I am willing to withdraw this amendment at this time, to offer it as a freestanding resolution, to bring it up Monday at noon or anytime thereafter, to have extensive debate, to divide the time equally, and to have a time certain to vote—for a reasonable time, to put in 5 hours equally divided. But by no means am I suggesting that it should be limited to 5 hours if 6 hours is necessary or 7 hours or 8 or 10 hours or 12 hours or 24 hours. But at some point in time I want to be assured, because of the importance of this, that we have a vote, that my colleagues truly have an opportunity to vote.

Indeed, this may not carry. I have no illusions. I think probably it will be defeated. I have a sense that there are lots of my colleagues who would just as soon stay out of this situation. They will let the President do it, and if Mexico deteriorates, we did not do anything. That is what is taking place.

I think it is a question of our constitutional responsibility. We are talking about making billions—by the way, I did not have sufficient time to respond as it relates to the appropriateness of this measure. We are talking about rescissions of $14 billion. Here is $20 billion going to Mexico; $5 billion has already gone down. Another $5-billion-plus will go down in the next 2 or 3 weeks, or 4 weeks.

If you want to talk about aid, I want to give aid to the communities that need it. Orange County, I would rather give them a loan guarantee with this money. How about the District of Columbia? Let us help them. In my State, we have a $4 billion deficit we inherited. Let us help them out. Then, after that—that only accounts for $4 billion, $2 billion, $6 billion, $7 billion—then let us give the other $13 billion to deficit reduction, if you want to help. Talk about relevance.

I mean, if the Senators come and say they are concerned about the children, if you are concerned about the children, here is the opportunity to give them that money instead of shipping it away. I think it is very relevant why we are cutting back programs over here in this country. We are supposed to say no; we should not have the responsibility for voting on an appropriations which is an appropriation as it relates to bailing out another country—unprecedented.

By the way, this fund has never been used for any countries that some of my colleagues—Israel has never been a beneficiary of this. The United Kingdom has never been a beneficiary of this. Only one country has ever gone up to $1 billion: Mexico. They paid that back in 12 months.

When I hear people telling me, ''Oh, my god. It will be the end of the world if we do not have this authority,'' unprecedented circumvention of the constitutional responsibilities of this Congress. Let me tell you, if you do not want to vote on it, but you will have to vote on it, do we say that this is the way to do business? By the way, I respect people who say, ''Alfonse, we have to do something to help Mexico.'' Let us do it the right way. If it means we have to get a majority of our colleagues to vote to appropriate, then let us do it in that manner.

Mr. WARNER. Mr. President, will the Senator yield for a brief question?

Mr. D'AMATO. Yes.

Mr. WARNER. I have been saying all along that this transaction with Mexico has serious faults and may well not be in our interest. When this was originally brought to us on that day, for example, when the Secretary of the Treasury and Alan Greenspan and others addressed Senators downstairs, right then I began to develop some serious concerns as to whether or not I would ever support it. Indeed, the leadership decided at that time to not bring it before the Congress.

But the question I have for the Senator is, Do we have a base of fact that would provide an ability for the Senate to better understand how this happens, who is responsible, who profited, who suffered losses, so that we can make an informed decision on the Senator's proposed legislation?

I frankly am inclined to support the Senator from New York. But I would want to do so only after the most careful analysis of positive facts on this issue. The Senator was to have had hearings in the committee. I just wondered what the status of the hearings were, and what is the body of fact that we have before this Senate today that we did not have at the time this was originally brought up?

Mr. D'AMATO. We finally have a plan that has been put forth as it relates to the utilization of these dollars. We know that Eurobonds, we know that tesobonos have been facilitated as a result of repurchasing them by the Government. We know that the loan programs, the Mexican Government has received and been the beneficiary of these dollars. And we also recognize that the economy, notwithstanding the claims that it has moved forward—as a matter of fact, the stock market yesterday in Mexico dropped 1.2 percent—we understand marginal movements up and down.

But the fact is that some of the so-called petroleum reserves that are going to be used as collateral—there is a very real question about whether or not during the lifetime of these loans, there will be sufficient collateral or revenues available.

We have learned that there is great civil unrest as it relates to the people of Mexico, and that they are angered at the United States for imposing these conditions in terms of raising interest rates, raising tax rates; a 50-percent consumer tax increase, from 10 to 15 percent. So we are aware of that.

We are also aware that we have not received the kind of information that foreign investment is returning, which is the cornerstone of this so-called economic recovery, if it is to take place. We have also learned that it is very doubtful that in the months ahead, they are going to be able to deal with short-term as well as long-term repayment schedules. We are talking about $170-billion-plus which the Mexican Government owes; $70 billion short term.

I say to my friend and colleague, $50 billion worth of guarantees does not stop or is not sufficient as it relates to the repayment of $70 billion worth of short-term Mexican debt this year. That we have learned.

We have also learned, unfortunately, in the tabloids, of the incredible unrest and, yes, the incredible instability of the institutions to be able to perform and to carry out any kind of meaningful transformation. We know, for example, that the oil monopoly, PEMA, cannot and will not be producing at a rate today that it is in the future. That does not portend good things. We know that capital will not be made available because the Mexican people, and indeed the Mexican Government, understands that you cannot look to the free enterprise system as it relates to the oil monopoly which does have vast value.

So the premise upon which these agreements were made—by the way, we do know that billions of dollars' worth of investments that were made have been paid. They have been paid by U.S. taxpayer dollars redeeming speculative investments.

Mr. WARNER. The question is, To whom was it paid? The fundamental question I have is, Will the Senate, in the course of the deliberation of the proposal of the Senator from New York, have a better understanding as to how this crisis happened, and who is benefiting from this cash-flow that has been described by the Senator such that we can act in an informed way on the proposal by the Senator from New York?

Mr. D'AMATO. No. Unfortunately, we will not learn for at least a year who the holders of these bearer bonds were, and only then maybe as it relates to those citizens of the United States. Obviously, we have no way to know. And this is one of the things that we brought up before this agreement was implemented. Who are the holders of these Eurobonds? Who are the holders of the tesobonos? We were told that we could not get that information.

Now, it seems to me that if we are going to make American dollars available we had a right, that our Treasury people had a right to say we want to see who they are and we want to negotiate with them. We want to see if we cannot restructure the repayment so that instead of paying it all plus 20 percent, we would restructure on the basis of maybe 60 cents on a dollar, 70 cents on a dollar, or maybe pay it over a period of time.

Now, that would have been—and that, by the way, was suggested by Bill Seidman, former head of RTC, the former head of the FDIC, who said it makes sense to restructure. Do not just shovel out American money dollar for dollar.

And my friend from Virginia touched exactly on it. To date, when we have asked for the records, when we have asked how this money has been used, we are told, ''We don't know.'' As it relates to who received it; they were bearer bonds, ''We don't know.'' They knew the Congress wanted this information.

Mr. WARNER. Mr. President, when the Senator asked, to whom did he place these questions? Was it the administration? And were they not forthcoming?

Mr. D'AMATO. It was the administration. It has been as high as the Secretary and the Deputy Secretary and others in the Treasury Department. And it is because we were told that they just went along on the basis that it cannot be done, you cannot ascertain who the people are.

Well, let me tell you something. That is nonsense. They never made that a priority. So you can say well, why are you complaining now? We complained before they started the repurchase of these agreements, we complained about it while they were doing it, and we are complaining about it now. And now $5 billion have been expended. How much more before we say we do question the adequacy of the manner in which these dollars were being used?

I do not question for one moment the good intentions, indeed, of congressional leadership, Republicans, Democrats. This Senator said certainly we have a special obligation as it relates to Mexico and its stability. But, my gosh, we have an obligation to be realistic and to see that these funds are being used appropriately, that we are getting the most for our money.

How does repaying a Eurobond or how does the repurchasing of a tesobono from someone from Germany or Japan or from the United States dollar for dollar plus 20-percent interest in some cases, 25 percent interest in other cases, how does that benefit the Mexican worker, the Mexican economy? Do we really think that as a result of our purchasing these agreements people are now going to rush to Mexico and put money back in there? I think you have to be rather naive to think so.

Mr. WARNER. Mr. President, I would like to know whether or not it has been the American taxpayer who is responsible for the very funds that the Senator refers to as now being the principal cash flow? Am I not correct?

Mr. D'AMATO. We are. We are the principal casualty as it relates to the cash flow. And let me assure the Senator where we were initially told in briefings which the Senator attended that there would be no risk, that we would not have to put up any money, now we are hearing, well, certainly there is some risk, and now we are hearing, yes, there is $5 billion.

I remember when the head of the Federal Reserve, Alan Greenspan, said—and I respect him tremendously—if you have to start a drawdown on these funds the program is not working. Well, we have drawn down $5 billion, in addition to the money from the IMF.

Mr. McCAIN. Will the Senator yield for another question?

Mr. D'AMATO. Certainly. Let me complete this.

In addition to the money that has come from the World Bank, and I believe that we will be getting ready, from what I understand, to draw down on billions more from the United States.

Now, this is an unprecedented use of the fund, and, yes, Senator DOLE and Speaker Gingrich have indicated that they wanted to help and they were supportive. Let me remind my colleagues in fairness to Senator DOLE—

Mr. WARNER. Mr. President, I wish to withdraw from the colloquy. My questions have been answered. It would seem to me, in a sense of fairness, indeed, the Senate would want to know what would be the views of Mr. Greenspan, perhaps the Secretary of Treasury, and others specifically addressing the Senator's proposal. Will those responses be available or have they been solicited?

Mr. D'AMATO. Well, they have been solicited. Indeed, the Secretary of the Treasury is adamantly opposed to this legislation. But let me say I am adamantly distressed, deeply distressed at the manner in which taxpayers' funds have been used to date. The lack of accountability—and I am not suggesting bad faith, but just as the process has evolved, the lack of accountability, and the accountability that we do have, leaves me very, very distressed.

I would like to know how it is that we can justify, when we are here making these cuts, that we are going to send more money down while the Mexican Government keeps printing pesos, they keep printing them and we think that we are going to help the economy and we are going to help the Mexican people by just shoveling money out in a manner that lacks business prudence.

I will tell you, you can have all the highfalutin people in the world to say this is important, this is good; they are not signing the notes. They are not making this their own business deal. They would never enter into a situation like this. There is no real collateral. There is no lien against that oil. As one of my colleagues said, you would have to send in the 82d Airborne if you wanted to try to exercise that. We know that is ridiculous.

So while it sounds good and while it may be well-intentioned—and I do not question the motivation for a minute—two things strike me.

No. 1, it has not been carried out in a businesslike, prudent manner. No. 2, we have the constitutional obligation that we cannot and should not delegate to the administration as it relates to the expenditure of these sums.

The legalistics that have been turned around to give us this so-called jurisdiction and the opinions that came from the Assistant Attorney General of the Justice Department and the counsel of the Treasury are mind-boggling: You would really have to say that this is not a foreign aid package. Of course, it is a foreign aid package; you would really have to say that this loan is so collateralized that there is no chance that it will fail. Nobody can tell you that, even the administration. They say, ''Well, we don't think it will.'' And that itself flies in the face of the underlying legal opinion that says you can do this.

Mr. WARNER. Mr. President, I will withdraw. I will undertake myself to solicit the views of Alan Greenspan and the Federal Reserve.

Mr. D'AMATO. They have been supportive of this, as I have indicated to you, in terms of this program, in terms of calling it essential, and I disagree respectfully.

Mr. WARNER. Fine.

Mr. President, I associate myself with many of the concerns of the Senator from New York, and I will address this, as will others, in a very responsible way when it is brought up. But I think it is important that we do solicit the current views, the current thinking of the chairman of the Federal Reserve and I will undertake to do so.

I thank the Chair, and I thank the distinguished Senator.

Mr. D'AMATO. Let me conclude, and I know my colleague has been patient—he wants to ask a question or make a statement—and I am going to sit down or be available to answer his question.

Let me conclude by saying this. I am very willing to withdraw this amendment, if we can agree to a time certain so that we can have a full debate. And if we want more than 5 hours or 10 hours or 15 or 20 hours or 24 hours, I have no problem with that. But I think it is fair and I think it is our responsibility to the American people that we have a time certain for a vote, otherwise I can assure my colleagues that there will be a piece of legislation that will be moving through the administration will want. If I am placed in the position that this is the only way that I can get a vote, that the American people who are my constituents from Rochester and Syracuse and Buffalo and Long Island, the people who I represent, the people who say they are opposed to this, there will be another time.

Now, I am willing to set up a time. I am willing to withdraw, because it is fact of life. We have to get this important business through. Let us set it aside for Monday. Let us set it aside for Tuesday. Let us pick out an appropriate length of time and come to a vote. I have no illusions. My colleagues who are concerned do not want to be blamed for the collapse. I understand that. And I say Mexico has collapsed already. You will have an opportunity to vote for or against my bill. I will do that. There are a number of Senators who have said it is inappropriate to bring it up here. Fine. I will be willing—and I leave this to my colleagues on the other side—to work out a time when we can bring it up and have a vote, and I will not say anything more on that. I thank my colleagues for giving me the courtesy of this response.

Mr. HATFIELD. I thank the Senator from New York.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. SARBANES. Will the Senator from Arizona yield to me for just 30 seconds?

Mr. McCAIN. I am glad to yield to the Senator from Maryland.

Mr. SARBANES. The Senator from New York asserted only a few moments ago in the debate that the Mexicans have been printing money throughout this period. That, in fact, is not the case. They have upheld a tight money policy.

Through March 15, the nominal money supply has shrunk by 13 percent since the beginning of the year and the real money supply has shrunk by 23 percent.

Now, we may differ over the policy, but at least let us get the right facts out before us. To stand here and assert that they have been following a very loose policy in printing money does not square with what the reality is. The reality is that the money supply, since the beginning of the year until the 15th of March, in Mexico has shrunk—shrunk—by 13 percent.

I thank the Senator for yielding.

Mr. McCAIN. Mr. President, first of all, I want to thank the Senator from New York for his commitment on this issue and his willingness to agree to a vote. I do not have any role in those negotiations.

But I am deeply concerned about this amendment, its impact on American foreign policy and, very frankly, this amendment in its relation to the Constitution of the United States and the inherent powers of the Chief Executive.

I have always supported the foreign policy prerogatives of the President of the United States. Frankly, I think that is what this debate should be about.

I would refer my colleagues back to the language of the amendment, which says:

> Except as authorized by an act of Congress, the Secretary may not take any action under this subsection with respect to a single foreign government, including agencies or other entities of that government, or with respect to the current of a single foreign currency that would result in expenditures and obligations, including contingent obligations, aggregating more than $5 billion with respect to that foreign country during any 12-month period.

What we are saying, Mr. President, is that the authority of the President of the United States is substantially circumscribed by this amendment.

I point out that the President's action was not taken without consultation with the leaders of Congress. I think that the President of the United States, very appropriately, consulted with the leaders of Congress. In fact, on January 31, 1995, there was a statement issued by President Clinton, Speaker GINGRICH, Minority Leader GEPHARDT, Majority Leader DOLE, and Minority Leader DASCHLE. I will not quote from the whole statement, Mr. President, but I think it is important to remember that this was what our elected leaders here in Congress said on that day.

> We agree that, in order to ensure orderly exchange arrangements in a stable system of exchange rates, the United States should immediately use the Exchange Stabilization Fund to provide appropriate financial assistance for Mexico.

And they go on in the final paragraph to say:

This is an important undertaking, and we believe that the risks of inaction vastly exceed any risks associated with this action. We fully support this effort, and we will work to ensure that its purposes are met.

Mr. President, it is my view that that is the way the relationship between the executive and legislative branches should function on issues such as these.

I think it is also important to remember a little background before this agreement was reached on January 31. The reality is that for a period of approximately 3 weeks, if I remember correctly, before this agreement was reached, there was no agreement, there was no agreement between the Congress of the United States and the executive branch.

The leaders of the Congress came out of a meeting at the White House and said we must act, we must act together, we must act on a package. That was their view at the time.

Now, there were many of us, including Senators who are on this floor right now, that had deep concern about what fundamental changes Mexico would make in the way that they conduct their financial affairs. And there were deep concerns as to whether the fundamental reforms in their monetary system were being taken. But there was no doubt about the urgency of this problem in the minds of the majority of Congress. Meeting after meeting was held to find a solution.

Now, with all due respect to all of my colleagues who participated in this effort, many of our colleagues wanted to condition loan guarantees on Mexican relations with Cuba, on labor rights, on domestic reforms, on environmental cleanup, on demands that Mexico essentially militarize our borders. It became almost a vehicle for every pet cause or every pet peeve that any Member of Congress had about our relationship with Mexico.

We have had many differences with Mexico at least during this century. We have certainly had a rocky relationship, certainly from their view point; some of them feel very strongly that the State in which I reside should be part of their country.

But the fact is that there was an inability on the part of the Congress of the United States and the executive branch to agree. But, more importantly than that, there was an inability for Congress to agree amongst themselves. Congress could not agree on a package with which to attempt to agree with the executive branch.

Finally, either rightly or wrongly, history will show, history will show whether it was a correct action on the part of the President of the United States or not, with the agreement of the leaders of Congress, to take the following action which called for an immediate use of the Exchange Stabilization Fund to provide appropriate financial assistance for Mexico.

Mr. President, I have deep and sincere concerns about the Mexican economy. It is declining. We started a slide to 7 pesos to the dollar, instead of 3.5 pesos to the dollar.

The economy in my State is devastated along the border. Literally, towns are shutting down; not just businesses, but towns are shutting down. There is no tourism up from Mexico. The normal shopper that comes up from Mexico is not there. The Safeway in Nogales has shut down. It had been in operation through all of the downturns and all of the problems we have had in the past 30 years in our relations with Mexico. And it is going to be many, many years before that economy is restored.

I do not know what is going to happen in the Mexican economy, Mr. President. I do not know if this $20 billion is going to disappear like that. I do not know. And the experts are divided dramatically on this issue as to what the viability of the Mexican economy is.

But that is not the question here, Mr. President. The question here is, are we going to circumscribe the authority of the President of the United States, especially in light of the fact that the Congress was unable to come to agreement, the President and the Congress were unable to make an agreement?

And so the President, with the total endorsement of the leaders of Congress, made a decision. Now, I say again, history will show whether that decision was right or wrong. Obviously, it will be related to the success or failure of the Mexican economy, which I cannot predict.

But I know this. If this legislation is passed, I know this right now, if this legislation is passed, first, there is a serious constitutional problem that I have already described, in my view. And it would send a signal, in my view, that if the leaders of the Congress and the President of the United States make an agreement, then at some later date the Congress can come back, and say, ''Sorry, we didn't like that agreement. We're going to have to take the following action.'' I am not sure that is a very good precedent to set.

But, also, Mr. President, I think we should look at the immediate effect of passage of this amendment on the Mexican economy that all of us, no matter where we stand on this issue, want to save. We want the Mexican economy to survive. And I repeat for probably the fifth time, I do not know whether it will or not.

But I know what this amendment would do. It would doom the Mexican economy to failure. Because I do not believe that any degree of confidence would be maintained in the Mexican economy, Mexican market, and the Mexican currency if this amendment were passed, because we know full well what the effect would be if a review of each $5 billion in this $20 billion were passed.

Now, Mr. President, I would also like to point out—and I do not like to embarrass anyone, including myself. But on the day that the President of the United States and Speaker of the House and the minority leader, and the majority leader and the minority leader here made this announcement on January 31, I did not hear a single Member of Congress stand up and say, ''No, wait a minute. Wait a minute. You have to get the approval of Congress.''

In fact, the silence was deafening. The silence was deafening because we could not come to an agreement in the Congress, as I mentioned, for a whole variety of reasons.

So I say, with all due respect to the author of the amendment, where were we the day that this agreement was announced? Where were we then? Are we now finding that our expectations or our hopes for the performance of the Mexican economy was such that we now feel that it is necessary to require additional involvement on the part of Congress on this issue?

I say again, if this amendment had been proposed on January 31 rather than today, I think that it might have had a significant degree more resonance.

Mr. D'AMATO. Will my colleague yield for an observation?

Mr. McCAIN. Yes, but first I observe that my colleague would not yield to me when I asked him to yield, but I will be glad to yield to him.

Mr. D'AMATO. I thank my friend and colleague. Just so that we understand, and I know every utterance that we make we like sometimes for people to pick up—usually they pick up the ones we do not want them to pick up—but on the 31st, I did have a hearing. And at that hearing, I indicated my very strong concern about this. I indicated that I did not think we were doing the right thing. I indicated that I would withhold saying anything further until we can get more facts, in terms of the implementation. That was on the 31st.

On the 8th, I came out about 8, 9 days thereafter raising very strong positions and concerns in regard to the manner in which we were moving forward. I just share that with my friend and colleague because this Senator did not want to be an obstructionist, yet I was not afraid to express my concerns. I just share that.

Mr. McCAIN. Let me say to my friend from New York, I expressed my concerns, too. I still have grave concerns. I still am worried whether the nation of Mexico has implemented the fundamental reforms in their monetary system, in fact, in their political system, that would lead to the kind of confidence that would allow that economy to be restored before it sinks even further into a terrible, terrible depression which, obviously, has afflicted the poor people in Mexico in a most horrible way.

But I also suggest to my friend from New York that many people expressed those reservations. No one that I know of during the intervening time, nearly 2 months, brought forth an amendment like this for consideration on the floor

when we had many pieces of legislation under consideration to which this amendment would have been equally as relevant.

I want to say again, I appreciate very much the involvement of the Senator from New York in this issue, the fact that he has both the authority and the commitment to hold hearings and for us to ventilate this entire issue. I do not underestimate, in any way, his dire concern and warning about what is at stake. But I question, as I said, the vehicle and the language which is in the amendment.

Mr. President, I do not want to take much longer. I will just suggest that there is a great deal at stake on this issue. I urge my colleague from New York to continue the hearings that he has scheduled to seek the information that sometimes has not been readily forthcoming to him about the process that was utilized in coming forth with the decisions that were made about Mexico.

But at the same time, I suggest that if this amendment is adopted by both Houses of the Congress, it would have constitutional problems, which is sort of an academic argument. But I also think that it would probably doom the Mexican economy to a very, very difficult period, which sooner or later has effects on this country in the form of lack of trade, increase in illegal immigration, et cetera, et cetera.

Try as we might, we cannot sever Mexico from the United States. It is geographically impossible. And I have never believed that we could build sufficient walls to separate our two countries, not to mention the kind of fundamental Judeo-Christian principle that is involved here about helping neighbors who are very much less fortunate than we.

I do not mean to wax sentimental here, but when I see little children crawling through a tunnel that is filled with sewage in order to get into Nogales, AZ, where they are forced to engage in theft in order to eke out a meager existence—and I see that increasing exponentially—I am deeply concerned about the future of our neighbors. I do not pretend to know that this is the right solution, but I do believe that if we adopt this amendment, we might see a lot more of that for a very long period of time.

Again, I want to thank my friend from New York for his commitment and interest in this issue. I also want to thank my friend from Connecticut for his deep knowledge and involvement in these affairs for many years.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority manager is recognized.

Mr. HATFIELD. Mr. President, I yield 2 minutes to the Senator from Connecticut, without losing my right to the floor.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DODD. Mr. President, I thank my colleague, the ranking manager of the underlying bill.

I want to commend my colleague from Arizona. We have dealt with these issues in the Western Hemisphere for many years together. He is very complimentary, and I appreciate it. But there are very few people who are as knowledgeable about Mexico as is my colleague from Arizona.

I think he has appropriately and properly identified the concerns incorporated in the amendment of the Senator from New York. All of us have had concerns about this. If it were without concern, I suspect it would have gone through under a unanimous-consent request in the House and Senate back in January.

Anytime there is a potential exposure, there are some issues that need to be raised. No one is questioning that. The President certainly outlined that when he made the decision to go with the Exchange Stabilization Fund. But the Senator from Arizona has very properly pointed out the implications if we do not try to make a difference, not only in Mexico but ourselves as well in this country, given the implications of the border and elsewhere.

Others may have already printed this in the RECORD. There is a letter that has been distributed, addressed to the distinguished chairman of the Banking Committee dated today, signed by Robert Rubin, the Secretary of the Treasury. I will print the entire letter in the RECORD, but there is one paragraph that if it has not been quoted already needs to be quoted. In the letter, the Secretary of the Treasury says to the chairman:

> I am deeply concerned that the actions you are taking will have the potential to undermine market confidence in international support for Mexico and thereby reduce the likelihood of success. By limiting the American response to the Mexican crisis, your amendment could threaten the credibility of the stabilization program and undermine the confidence Mexico is trying to restore among investors. These consequences could, in turn, have a negative impact on jobs, wages and prospects of American workers here at home.

I hope my colleagues will read this letter. Mr. President, I ask unanimous consent that it be printed in the RECORD.

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

DEPARTMENT OF THE TREASURY,
Washington, DC, March 30, 1995.

Hon. ALFONSE D'AMATO,
Chairman, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express my very serious concerns regarding your current efforts to amend H.R. 1158 to require Congressional approval of aggregate annual assistance to any foreign entity using the Exchange Stabilization Fund (ESF) in an amount that exceeds $5 billion. Your amendment would have the immediate practical effect of curtailing any further use of the ESF consistent with the Administration's package of financial support for Mexico. I would strongly urge that you reconsider your decision to proceed on this course.

I am deeply concerned that the actions you are taking will have the potential to undermine market confidence in international support for Mexico and thereby reduce the likelihood of success. By limiting the American response to the Mexican crisis, your amendment could threaten the credibility of the stabilization program and undermine the confidence Mexico is trying to restore among investors. These consequences could, in turn, have a negative impact on jobs, wages and prospects of American workers here at home.

The Mexican government has taken courageous action in directly confronting its financial imbalances and implementing a disciplined economic recovery program. Seeking to attract foreign capital, strengthen the peso and minimize inflation, Mexico has adopted strong remedial policies including fiscal measures that will result in a budget surplus in 1995 reductions in government spending, strict monetary policy, accelerated structural reforms and important enhancements to the transparency of its economic institutions.

Let me emphasize, however, that the process of restoring market confidence is an arduous one and we need to incorporate this fact into our thinking as we look for signs of progress in Mexico. As such, the success of this effort cannot be judged from day-to-day market movements. This stabilization package that Mexico has adopted is a strong one and seems to be starting to have the desired effect.

The Mexican government has upheld tight money policy and we are seeing results—through March 15, the nominal money supply has shrunk by 13% since the beginning of the year and the real money supply has shrunk by 23%. The Bolsa in Mexico City is up 15% since last week, representing a 21% gain in dollar terms. Prices on par Brady bonds has risen by 11% from their recent low on March 16.

Signs of declining volatility in peso trading have emerged, with the peso closing below NP 7 since March 23 and now trading within a narrower range. Demand for government securities rose in this week's primary auctions to 2.4 times the amount offered.

To reiterate, for its recovery program to succeed over the long term, Mexico is relying upon the U.S. commitment to the agreement signed on February 21. It appears that negative sentiment may be bottoming out and if Mexico holds the course, confidence should return. Any indication that the commitment of the U.S. to those agreements is weakening could threaten to jeopardize the best possible outcome in Mexico.

There is an additional concern regarding this amendment which relates more generally to U.S. diplomacy. On January 31, President Clinton and four Congressional leaders from both parties declared in a joint statement their support of the U.S. financial package for Mexico and recognized that the President has full authority to use the Exchange Stabilization fund (ESF) to that end. This became U.S. policy, and the executive branch negotiated appropriately with foreign governments to implement that policy.

Now the Senate is considering a measure that could impede that policy. Your amendment would effectively end the ability of the United States to carry out the February 21 agreements and thereby impair the confidence that other nations have in the ability of the executive branch to negotiate agreements with them.

I hope that we can continue to move forward in the spirit of bi-partisan cooperation,

and not invite confrontation by consideration or passage of legislation that could ultimately disable the implementation of American support for Mexico.

In closing, let me assure you that the Treasury has been complying with all Congressional requests for documents. I am using my full authority to ensure that the Treasury continues to supply timely, appropriate information to the Congress. I look forward to continuing my work with you and your colleagues in our shared commitment to support Mexico's recovery and thus to protect American jobs and interests.

Sincerely,

ROBERT E. RUBIN,
Secretary.

Mr. DODD. Mr. President, last, I want to address an issue I heard raised repeatedly all afternoon. It has to do with the so-called corruption in Mexico.

President Zedillo and his administration, but for the fact that they have conducted significant investigations, we would not know what we know already. I think it is unfair to this new administration which was saddled with a lot of problems not of their own choosing that is making very difficult decisions, asking his constituency to make very difficult decisions in order to get out of this crisis and, in fact, have pointed to a lot of the problems that existed in the past is an overstatement, to put it mildly.

Second, again, there have been a lot of criticisms raised about President Salinas. I got to know President Salinas fairly well during his tenure in office. Obviously, the jury is still out on some other matters unrelated to him personally, but I want to say that had he not taken the steps beginning 5 or 6 years ago to inject strong market economy principles and to deal with those issues, we would not be in the position at least of offering real opportunity for Mexico in these coming years. And so while it has become popular to indict President Salinas in many quarters, I happen to feel he did a great deal of good. I also believe that his successor is doing even better in many ways. I would like to see us give him that opportunity to succeed.

What we are doing here is in our interest. It makes sense to be supportive of it. It is not just a largess. These programs, through the economic exchange stabilization fund, have been very successful. In years past, Mr. President, I will submit for the RECORD a series of countries to whom we have provided assistance under the ESF Program. Six times Mexico has been the recipient of ESF funds. On all occasions they have paid the money back. There have been suggestions on the floor today that we are never going to get the money back. In almost every instance, the money has been returned as a result of this program.

I ask unanimous consent that this list be printed in the RECORD.

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

TABLE 1.—EXCHANGE STABILIZATION FUND FINANCING AGREEMENTS, 1980 TO JUNE 1994

Country	Year	Amount agreed (dollars in millions)	Drew		Repaid in full by
			Amount (dollars in millions)	Date(s)	
Mexico	1982	1,000.0	825.0	8–14–82	8–24–82
Do	1982	600.0	600.0	9–82—2–83	8–23–83
Do	1986	273.0	273.0	8–86—12–86	2–13–87
Do	1988	300.0	300.0	8–1–88	9–15–88
Do	1989	425.0	384.1	9–25–89	2–15–90
Do	1990	600.0	600.0	3–28–90	7–90
Brazil	1982	500.0	500.0	10–82—11–82	12–28–82
Do	1982	280.0	280.0	11–82	2–1–83
Do	1982	450.0	450.0	11–82	3–3–83
Do	1982	250.0	250.0	12–82	1–83
Do	1983	200.0	200.0	2–28–83	3–11–83
Do	1983	200.0	200.0	3–3–83	3–11–83
Do	1988	250.0	232.5	7–29–88	8–26–88
Argentina	1984	300.0	0.0	.....	.....
Do	1984	500.0	500.0	12–28–84	1–15–85
Do	1985	150.0	143.0	6–85	9–30–85
Do	1987	225.0	225.0	3–9–87	7–15–87
Do	1987	200.0	190.0	11–12–87	12–30–87
Do	1988	550.0	550.0	2–88—3–88	5–31–88
Do	1988	265.0	79.5	11–22–88	2–28–89
Jamaica	1984	50.0	10.0	12–29–84	3–2–85
Philippines	1984	45.0	45.0	11–7–84	12–28–84
Ecuador	1986	150.0	75.0	5–16–86	8–14–86
Do	1987	31.0	31.0	12–4–87	1–26–88
Nigeria	1986	37.0	22.2	10–31–86	12–10–86
Yugoslavia	1988	50.0	50.0	6–15–88	9–30–88
Do	1989	450.0	450.0	3–15–89	4–3–89
Do	1990	104.0	25.0	3–30–90	4–30–90
Bolivia	1986	100.0	0.0	.....	.....
Do	1989	100.0	100.0	7–89	9–15–89
Do	1989	100.0	75.0	9–22–89	12–29–89
Do	1989	75.0	75.0	12–29–89	1–2–90
Poland	1989	200.0	86.0	12–28–89	2–9–90
Guyana	1990	31.8	31.8	6–20–90	9–90
Honduras	1990	82.3	82.3	6–28–90	11–20–90
Hungary	1990	20.0	20.0	6–90—7–90	9–5–90
Costa Rica	1990	27.5	27.5	5–21–90	5–21–90
Romania	1991	40.0	40.0	3–7–91	3–21–91
Panama	1992	143.0	143.0	1–31–92	3–92
Peru	1993	470.0	470.0	3–18–93	3–18–93

Mr. DODD. I know my colleague from Oregon would like to engage in a unanimous-consent request to consider another amendment. I am prepared to yield for that purpose.

Mr. HATFIELD. Rather than to ask for just a half-hour, I would like to expand that to an hour to take care of two amendments, one on the Democratic side and one on the Republican side, Mr. Kyl's amendment, each for a half-hour equally divided.

Mr. DODD. I am happy to accommodate. If there are going to be recorded votes, can they be done en bloc?

Mr. HATFIELD. It will be two one-half hours making 1 hour.

Mr. DODD. I am told that my colleague from California would like to be included for a half-hour on an amendment. So that would make it an hour and a half. Can we provide that at the conclusion of the consideration of the amendment offered by the Senator from California that we would vote on all three amendments, so our colleagues might have a window, if that is appropriate?

Mr. HATFIELD. I know the Senator from California has a number of them. What amendment would this be?

Mrs. BOXER. The Senator from California only has one amendment—the transfer amendment. That is the only amendment I have. I am happy to agree to 30 minutes equally divided.

UNANIMOUS-CONSENT AGREEMENT

Mr. HATFIELD. I thank the Senator.

Mr. President, I ask unanimous consent that three amendments in succession, one from the Senator from Nebraska [Mr. KERREY], one from the Senator from Arizona [Mr. KYL], one from the Senator from California [Mrs. BOXER], each of these amendments—by the way, let me mention that the one for Mr. KERREY is on the subject of Federal courthouses that are included

in the appropriations bill; Mr. KYL's relates to the low-income energy assistance; the one for Senator BOXER is a transfer of funds from military to school education programs. I ask that there be a half-hour for each amendment, equally divided in the usual form, and that no second-degree amendments be in order prior to a motion to table, if a motion to table is made.

Mr. DODD. Reserving the right to object. I am informed that we cannot have a unanimous-consent agreement on the time for the low-income energy assistance amendment of the Senator from Arizona. There is objection to that half-hour time agreement.

Mr. HATFIELD. An hour?

Mr. DODD. I am not prepared to say.

Mr. HATFIELD. I amend the request to delete the request on behalf of the Senator from Arizona.

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

Mr. DODD. Will my colleague yield?

Mr. HATFIELD. Yes.

Mr. DODD. Mr. President, at the conclusion of the two other amendments offered by the Senator from Nebraska and the Senator from California, may we vote on both of those at the expiration of the hour, after both have been debated?

Mr. HATFIELD. That is satisfactory.

Mr. DODD. Will the Senator propound that request?

Mr. HATFIELD. I ask unanimous consent that at the end of the hour for the two amendments, the votes take place.

Mrs. BOXER. Reserving the right to object, I want to move along. Maybe a vote is not necessary on this Senator's amendment.

Mr. HATFIELD. If votes are required, I ask unanimous consent that they be stacked at the end of the hour.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HATFIELD. I ask unanimous consent that the D'AMATO amendment be temporarily set aside.

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

AMENDMENT NO. 435 TO AMENDMENT NO. 420

(Purpose: Rescinding certain funds for GSA Federal buildings and courthouses)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. KERREY], for himself and Mr. COHEN, proposes an amendment numbered 435 to amendment No. 420.

Mr. KERREY. 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:

Beginning on page 51 of the bill, line 12, strike everything through page 54, line 6, and insert in lieu thereof, the following:

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON THE AVAILABILITY OF REVENUE

(RESCISSION)

Of the funds made available under this heading in Public Laws 101–136, 101–509. 102–27. 102–141, 103–123, 102–393. 103–329, $565,580,000 are rescinded from the following projects in the following amounts:

Arizona:

Lukeville, Border Station, commercial lot expansion, $1,219,000

Phoenix, Federal building and U.S. Courthouse, $121,890,000

San Luis, Border Station, primary lane expansion and administrative office space, $3,496,000

Sierra Vista, Arizona, U.S. Magistrates office, $1,000,000

Tucson, Federal building-U.S. Courthouse, $70,000,000

California:

Menlo Park, United States Geological Survey, office laboratory buildings, $980,000

San Francisco, California, U.S. Court of Appeals annex, $9,003,000

District of Columbia:

Army Corps of Engineers, headquarters, $25,000,000

Central and West heating plants, $5,000,000

General Service Administration, Southeast Federal Center, headquarters, $25,000,000

Southeast Federal Center, infrastructure, $58,000,000

U.S. Secret Service, headquarters, $18,910,000

Georgia:

Atlanta, Centers for Disease Control, site acquisition and improvement $25,890,000

Atlanta, Centers for Disease Control, $14,110,000

Florida:

Tampa, U.S. Courthouse, $5,994,000

Illinois:

Chicago, Federal Center, $7,000,000

Indiana:

Hammond, U.S. Courthouse, $52,272,000

Maryland:

Avondale, DeLaSalle building, $16,671,000

Massachusetts:

Boston, U.S. Courthouse, $4,076,000

Nebraska:

Omaha, U.S. Courthouse, $5,000,000

Nevada:

Reno, Federal building.U.S. Courthouse, $1,465,000

New Hampshire:

Concord, Federal building.U.S. Courthouse, $3,519,000

New Mexico:

Santa Teresa, Border station, $4,004,000

New York:

Holtsville, New York, IRS Center, $19,183,000

North Dakota:

Fargo, U.S. Courthouse, $1,371,000

Ohio:

Youngstown, Federal building and U.S. Courthouse, site acquisition and design, $4,574,000

Steubenville, U.S. Courthouse, $2,280,000

Oregon:

Portland, U.S. Courthouse, $5,000,000

Pennsylvania:

Philadelphia, Veterans Administration, $1,276,000

Rhode Island:

Providence, Kennedy Plaza Federal Courthouse, $7,740,000

Tennessee:

Greeneville, U.S. Courthouse, $2,936,000

Texas:

Corpus Christi, U.S. Courthouse, $6,446,000

Ysleta, site acquisition and construction, $1,727,000

U.S. Virgin Islands:

St. Thomas, Charlotte Amalie, U.S. Courthouse Annex, $2,184,000

Washington:

Seattle, U.S. Courthouse, $3,764,000

Nationwide chlorofluorocarbons program, $12,300,000

Nationwide energy program, $15,300,000''

Mr. KERREY. Mr. President, this is a very straightforward amendment. I offered it in the full committee. It has been altered somewhat to add additional items. For my colleagues, what I am doing with this amendment is to rescind an additional $324.579 million from the courthouse projects.

Mr. President, I offered this amendment on behalf of myself and the Senator from Maine [Mr. COHEN], who has also been very actively involved for the past several years in trying to get the GSA to do some reviews of the courthouses that have been both authorized and appropriated.

The GSA did what they call a ''time-out'' review and came back with $1.3 billion worth of savings. We have taken some but not all. To be clear, the distinguished chairman of our subcommittee, the Senator from Alabama, Senator SHELBY, points out quite accurately that we use the GSA's recommendations as a guideline. These are not hard and fast recommendations. These are not things that we always watch. Indeed, we have some things on our list in the rescission package that were not recommended by GSA already.

Nonetheless, my colleagues who are considering this amendment really should ask themselves one question, and that is: What happens if this amendment passes? Will there be damage done to the Nation? Will there be children that get less food? Is day care involved? Is education involved? Is national defense involved? I mean, the argument really has to center on what happens if this amendment passes.

Well, Mr. President, I am going to respectfully say that what happens is a number of projects are not going to be built. The list that I have includes a Phoenix, AZ, courthouse, $128.890 million; Tucson, AZ, $70 million; Southeast Federal Center in the District of Columbia, $58 million; an additional $26.272 million in Hammond, IN; in Holtsville, NY, an IRS Service Center for $19.183 million; in Corpus Christi, TX, $6.446 million; in Santa Teresa, NM, a border station, $4.004 million; Seattle, WA, $3.764 million; and in the spirit of fairness, $5 million from an Omaha, NE, courthouse; a Secret Service headquarters in DC. for $10 million. The total, Mr. President, is $324.579 million.

Again, the simple question really has to be: What happens if this amendment passes? What happens is that these projects are not going to be built, or they will be scaled back.

Mr. President, I hardly think those of us who are trying to find ways to cut spending, those of us who recognize

that we have to take tough action to get deficit reduction done, to get to a balanced budget, are explaining to various interest groups, educators, health care people, interest groups that come constantly into our offices saying, ''Why, why, why,''

It seems to me that this is a relatively easy step for us to take and a relatively painless step, I must say, Mr. President. There will be no interest groups that will object. There will be no people that will say, gee, this is going to hurt us in some measurable or appreciable fashion. These are merely projects, Mr. President. I appreciate that they do have value. I am not arguing that they are without value. I merely argue that in this time when we are trying, in an unprecedented fashion, to achieve a bipartisan consensus to reduce this Nation's deficit to zero, this kind of action, this little list of additional cuts, is not only appropriate but quite reasonable.

Mr. SHELBY. Mr. President, the House rescinded $136,593,000 from buildings for which funds have been appropriated in the fund.

A number of projects they included were inserted by the Senate, most, but not all have been authorized by the Senate Environment and Public Works Committee, but not the House Public Works Committee.

The committee chose to rescind $241,011,000 from new construction and repair and alterations projects.

Some of the projects the committee included have not been authorized by the Senate.

Some are included because GSA has indicated savings as a result of last year's time out and review.

Some have been canceled or delayed. We did not take all of the funds in some cases, nor did we take all of the projects GSA indicated where savings might be attained as a result of time out and review.

We attempted to take Members concerns into account in making our decision.

Our total cuts are significantly over the House and there will plenty of room to negotiate in conference.

We might not agree, but this is a significant adjustment.

I say to the Senate do not make it a political bidding war regarding projects.

I have tried to be fair in this process as the Senator from Nebraska is aware. Should we follow the Senator from Nebraska and his process, in all fairness, should we not put all projects on the table. I have a list here which includes all of the new construction projects, repair and alteration projects, as well as, the time out and review savings the GSA has indicated can be saved.

The project list is inclusive of projects where no construction has begun.

I hope we will not get into this on the Senate floor.

I believe a majority of my colleagues agrees with me as they did in the appropriations committee, so at the appropriate time I will move to table the Kerrey amendment.

Mr. BAUCUS. Mr. President, I want to thank the Senator from Nebraska for offering this amendment. I also ask unanimous consent that I be added as a cosponsor.

The amendment before us will make additional rescissions to a number of projects proposed to be funded from GSA's Federal buildings fund. These rescissions represent projects that have not gone through the GSA review process, are congressional Member requests, or represent savings identified through the GSA timeout and review process.

Many of these projects are courthouse construction projects. And to be truthful, the savings identified in this amendment are probably only the tip of the iceberg. In fact, last year, when I chaired the Environment and Public Works Committee, we made substantial reductions in the authorizations of GSA projects. We cut $137 million from these projects. Unfortunately, there are some people who believe that this money is still available. I disagree with that view. But to make certain that the money cannot be spent we need this amendment. The Kerrey amendment will formally rescind that money.

Mr. President, we have to get a handle on the courthouse construction program. I have talked to Federal judges in Montana about the need for restraint in building new courthouses. They agree that things have gotten out of control. The current process is a failure. There is far too much waste in this program. There is no prioritization of courthouse projects. In fact, the courts refuse to prioritize their projects. So we must prioritize. We must make the tough decisions. The amendment from the Senator from Nebraska makes such decisions.

I would also note that the bill before us makes drastic cuts in important programs, such as child nutrition and education. So it makes sense that we also look at the federal courthouse construction program. We need to target projects that are unnecessary or lavish, or can be delayed. This amendment will do just that and I urge my colleagues to support it.

Mr. KERREY. Mr. President, the distinguished Senator from Alabama quite correctly said that he has tried to be fair. He has been fair. We are with our subcommittee offering cuts in excess of what the House of Representatives had in their piece of legislation.

Again, for those Members who try to figure out how to vote on this amendment, the question really still fails to answer what happens if this amendment passes. All that happens, Mr. President, is some projects that are proposed to be built will not be built, or they will be scaled back.

I have had—as I am sure all have had to do—to justify spending in a variety of ways. One of the tests that I used with various groups and individuals who come forward and ask me to support one expenditure or another, is to try to calculate what a median family income pays in the way of tax.

In my State, a median family income is about $35,000 a year. They have to work about 3 months to pay the Federal income taxes of roughly $7,500. That means that 43,740 Nebraska families have to work 3 months to generate the money I am requesting to take out.

I do not offer that observation in some sort of grand fashion. I merely say this is a lot of money. I do not believe the Nation is going to suffer.

Indeed, I say the Nation will not suffer at all with this additional rescission. I hope that my colleagues, rather than being concerned about whether or not a project in their home State is going to be cut, I hope that they will, in fact, vote based upon the observation that this Nation can afford to lay these projects aside.

Mr. President, I am prepared to yield back the balance of my time.

Mr. SHELBY. I will agree to yielding back my time. I believe we will vote later on this.

The PRESIDING OFFICER (Mr. KYL). All time is yielded back.

Mr. KERREY. Mr. President, I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 436 TO AMENDMENT NO. 420

(Purpose: To delete the rescission of the funds appropriated for the Department of Education for the Technology For Education of All Students Program in the amount of $5,000,000 and for the Star Schools Program in the amount of $5,000,000; and to rescind $11,000,000 of the funds available under the Department of Defense Appropriations Act, 1995, for acquisition of two executive aircraft)

Mrs. BOXER. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER], proposes an amendment numbered 436 to amendment No. 420.

Mrs. BOXER. Mr. President, I ask unanimous consent further reading be dispensed with.

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

The amendment is as follows:

On page 35, beginning on line 21, strike out ''$15,200,000'' and all that follows through ''title III–B, $5,000,000, and'', and inserting in lieu thereof ''$5,200,000 are rescinded as follows: from the Elementary and Secondary Education Act of 1965,''

On page 68, between lines 6 and 7, insert the following:

CHAPTER XII

DEPRTMENT OF DEFENSE—MILITARY PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

(RESCISSION)

Of the funds available under this heading in title III of Public Law 103–335, $11,000,000 are rescinded.

Mrs. BOXER. Mr. President, if I were to give you $11 million to spend in a way to benefit the public interest, I think that you would give it a lot of thought, and I would hope one of the areas that would be considered would be education.

Particularly if I said the choice is between spending that money to put computers in the classrooms across the country, to give 5,000 students high-technology education, I think everyone would be interested, particularly if I said the only sacrifice that would have to be made is not to spend $11 million for executive airplanes designed primarily to transport high-ranking military officials from place to place. Aircraft that the military never even asked for.

That is the transfer amendment that I have. We are talking about pork versus pupils here.

I think that most people who had that choice would come down on the side of the children. That is the choice I have given to my colleagues. I hope that this amendment will be accepted and that we will not have a fight over it because I really think for anyone who listens to these arguments, it is clear that these airplanes are not needed and are not warranted. This money can be put to much better use.

I also want to point out this chart that I have that shows where we are. It shows that the rescission bills considered by the Senate have slashed domestic spending, and only nicked military spending.

We see here that, of the discretionary budget, military makes up 49 percent; international, or foreign aid, 4 percent; and domestic spending, 47 percent.

And look at this chart, which shows what we have cut in these rescissions bills. We have slashed domestic spending; 84 percent of all the rescissions have come from domestic spending. The military took a hit of 14 percent. And international took 2 percent.

My amendment is not going to cure all of that. It is just a small, little, symbolic amendment, but I think it is very, very important.

What my amendment does is restore the rescissions from the Star Schools Program and the Education Technology Program—$5 million each. Again, it would cut out those two aircraft—not requested by the military, I underscore—but approved by the Congress as an unrequested add-on last year.

I think it is important to note that if you go around to the schools in your States you will find in many of the classrooms a reliance on chalk and the blackboard. Of course we will always have that. But we need to see more computers in those classrooms. We need to get those young people ready for the 21st century.

The ratio of students to computers in the classroom is about 13 to 1. Almost two-thirds of the Nation's public schools do not have access to the internet.

We here know. I am beginning to get a tremendous amount of information through the Internet. It is very exciting. I can have a dialog with my constituency. l

It seems to me that anyone would agree that technology is the way of the future. Our children deserve those computers in the classroom. We have a chance to restore that money today. Instead of propelling our schools into the 21st century, what we do in this rescissions bill is steer them off the information superhighway. My amendment would completely restore funding for these important programs, and it does it in a very painless way.

I am going to talk a little more about the success of these two programs, but before I do, I really want to talk about the aircraft in question which, again I repeat, were not requested for purchase by the Pentagon. What do the aircraft do? According to the House Appropriations Committee report the purpose of these aircraft is to ''provide efficient transportation of key command and staff personnel.''

I want to point out that in today's Washington Post, on the Federal page, is an article about what a mess the military transport situation is in. Thankfully, Senator COHEN is on top of the situation. We can save a lot of money in military transportation. We do not need to spend this money on these two aircraft. The Army can do without private planes for the top brass. These aircraft are not essential to any military mission.

But computers are essential for the educational mission that we should be supporting. Again, Washington Post, Tuesday:

Congress Protects Pork in Pentagon Spending. Budget Cutters Spare '95 Defense Plan.

These aircraft are specifically listed in this article as an example of defense pork.

I ask unanimous consent the entire article be printed in the RECORD.

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

CONGRESS PROTECTS PORK IN PENTAGON SPENDING—BUDGET CUTTERS SPARE 1995 DEFENSE PLAN

(By Walter Pincus and Dan Morgan)

Before Congress adjourned last year it passed a $243 billion defense appropriations bill containing dozens of ''pork barrel'' projects for members' home states, as well as numerous non-defense programs that could not get funded in other spending bills.

Among them were $5.4 million for Hawaii's Small Business Development Center; $3.5 million for a Cook County, Ill., military-style boot camp for youthful drug offenders; $10 million for a National Guard outreach program to help Los Angeles youth; and $1.5 million to round up wild horses wandering onto the White Sands Missile Range in New Mexico—a job once handled by the Bureau of Land Management.

There was $15 million for developing an electric car, a project that found a home in the defense bill in the late 1980s when money for energy appropriations grew tight.

Now Congress, in its first round of serious budget cutting, is slashing billions of dollars of previously approved spending, for purposes ranging from public broadcasting to housing AIDS patients.

But the Republican leadership on Capitol Hill has left untouched the projects listed above. The spending is part of billions of dollars never sought by the Pentagon, but added to the defense bill last fall at the behest of senators and representatives from both parties.

''The insertion of these items has become an incredible art form,'' said Sen. John McCain (R-Ariz.), a member of the Senate Armed Services Committee. He has compiled a list of more than $6 billion in defense projects that he says represent ''wasteful, earmarked, non-defense, or otherwise low-priority programs.''

Despite the GOP's seizure of control of Congress in the 1994 midterm elections, McCain said, refusal to cut these programs suggests ''business as usual'' is continuing in Congress.

Republican leaders have given defense a comparatively protected position as they go about the initial round of budget cutting. A House-passed bill cuts $17.1 billion from domestic programs, but nothing from the 1995 defense budget. A toned-down Senate version, which trims $13.3 billion, also exempts defense.

In separate, supplemental legislation, the House and Senate did propose defense cuts of $1.4 billon and $1.9 billion, respectively, in allocating emergency funds to replenish Pentagon coffers. The House cut $502 million from the administration's technology reinvestment program, which helps defense companies convert to civilian production.

But almost all of the projects added by members last fall to the 1995 defense budget have so far survived. A House-Senate conference on the recisions bill, scheduled to begin Wednesday, will be the last chance to kill these ''add-ons'' for fiscal 1995.

Hawaii, the home state of Sen. Daniel K. Inouye (D), then chairman of the Senate Appropriations defense subcommittee, got more than the Small Business Center among the earmarked projects. There was $56.4 million earmarked for the Pacific Missile Range; $13 million for a high-performance computer facility on Maui; $10 million to home port two transport vessels in Pearl Harbor; and additional funds for Hawaii-based military medical facilities.

A House-Senate report specifically stipulated that the Maui facility be exempted from reductions that were being applied to other such computer facilities.

The $3.5 million for a drug offender's boot camp in Cook County originated with a request by the sheriff to then-House Ways and Means Committee Chairman Dan Rostenkowski (D-Ill.), according to a congressional source.

Rostenkowski arranged for language to be inserted in the defense bill while it was before House-Senate conferees—after the measure had already been before the House and Senate for a vote.

The conferees directed ''that the Department of Defense provide assistance to the county sheriff's office in the planning of a military-style regime and curriculum at the facility.''

In a similar, if more traditional vein, then-Senate Minority Leader Robert J. Dole (R-

Kan.) arranged to earmark $11 million in the same defense bill for the Army to purchase additional executive jet aircraft from a Kansas corporation that produces Lear jets.

''It's like a disease,'' said McCain. ''It's never static. It gets worse or you kill it.''

McCain complained during a Senate floor debate March 16 that the current round of budget cuts ''does not rescind Defense Department support [$15.4 million] for the Olympics and other sporting events * * * does not touch congressional add-ons for excess [National] Guard and Reserve equipment, and does not rescind any of the nearly $1 billion in congressionally added military construction projects, much less funding for projects on bases slated for closure.''

As budget rules have clamped ceilings on small, non-defense appropriations bills, the annual defense appropriation bill increasingly has been viewed as a bank of last resort for programs and projects once handled in those smaller measures.

For example, the Bureau of Land Management used to handle the roundup of wild horses on the White Sands proving grounds. The animals would be turned over to New Mexico prisoners to be broken and sold. BLM discontinued the program last year because it was too expensive, according to a spokesman for Sen. Pete V. Domenici (R-N.M.).

Domenici, who chairs the Senate Budget Committee, and New Mexico Rep. Joe Skeen (R), a member of the House Appropriations Committee, collabroated to get the $1.5 million put into last year's defense bill to pick up the slack, the spokesman said.

Domenici arranged to have $20 million added to the same defense bill for an additional neutron accelerator project at the Los Alamos Laboratory in his state, after money appropriated in the energy spending bill ran out last year.

''There was no other place to go,'' said a congressional aide.

Mrs. BOXER. Mr. President, last year I received a letter as did all of my colleagues, from two senior members of the Armed Services Committee, Senator MCCAIN and Senator WARNER. In that letter these distinguished Senators eloquently argued for a strong national defense and offered an action program for congressional action this year.

Predictably, I agreed with some of their arguments and disagreed with others. But one of their arguments struck me as particularly poignant. Let me read from their letter. They wrote that Congress must:

. . . attack pork and wasteful programs. We need to eliminate wasteful pork-barrel spending. This effort should include legislative action to terminate the following programs.

Among the programs listed are these executive transport aircraft. These two Senators, my Republican friends, Senator WARNER and Senator MCCAIN wrote:

Fiscal year 1995 savings of $11 million, rescind fiscal year 1995 appropriation for executive jets.

If that is not enough, let me read the words of Gen. Colin Powell, the highly respected former Chairman of the Joint Chiefs. In his 1993 report on the roles and missions of the Armed Forces, General Powell wrote:

The current inventory of operational aircraft built to support a global war exceeds what is required for our regionally oriented strategy. The current excess is compounded by the fact that Congress continues to require the services to purchase OSA aircraft, neither requested nor needed.

General Powell concludes his report with this recommendation:

OSA aircraft are in excess of wartime needs and should be reduced.

Yet, despite General Powell's recommendation, Congress voted to acquire two more of these aircraft. Our country does not need these planes. Colin Powell says we do not need these planes. Senator WARNER says we do not need these plans. Senator MCCAIN says we do not need these planes.

We see articles where the transportation in the military is costing too much money. Yet we are taking away computers from the classroom, we are stopping the Star Schools Program. I cannot imagine why we would want to do this.

I want to tell my colleagues in my time remaining about the Star Schools Program and the computers in the classroom. Since the Star Schools program began in 1988, more than 200,000 students and 30,000 teachers have participated in projects in 48 States. The projects are designed to improve classroom instruction through distance education technologies. The $5 million rescission proposed in this bill would eliminate these high-technology education services from 5,000 students. And why? So that we can fly military top brass in brand new executive jets? I hope not.

In my own State of California, the Los Angeles County Office of Education has provided live interactive math and science instruction via satellite to students in grades 4 through 7. This course is beamed into 766 classrooms in large school districts throughout the State of California and in 18 other States. It reaches an amazing 125,000 students.

Why do we want to hurt this program? We do not have to. Cut the planes for the military brass. They can find another way to travel and we can save this program. We can save computers in the classroom. Did you ever go into these classrooms where the kids have these computers? They are so interested in school, suddenly. I urge my colleagues to do that. Yet we are cutting computers out of the classroom, and we can restore those funds.

In closing let me say this. This is a transfer amendment I hope everyone in the Senate will support. We are simply cutting two military aircraft to provide for luxury travel for the top military brass in exchange for putting computers into the schools and funding the Star Schools Program. I hope the chairman of the Appropriations Committee and I can work this out. I hope we can be together on this.

I reserve the remainder of my time.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum, time to be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. BOXER. Mr. President, I ask unanimous consent to add as cosponsors to my amendment Mr. BINGAMAN, Mr. KERREY of Nebraska, Mr. WELLSTONE, Mr. DODD, and Mr. BUMPERS.

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

Mrs. BOXER. I reserve the remainder of my time.

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. HATFIELD. 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. HATFIELD. Mr. President, I do not want to get into a long dissertation about a detailed problem of procedure. Once you start having to explain the process of procedure, you have one hand tied behind you. But I want to say to the Senator from California that what she is attempting to do certainly represents her perspective, her point of view and, I think, her priorities. I am not going to argue that point because we probably have a set of priorities.

But let me tell you where we are at this moment in this, the defense supplemental, that has just been passed by the House and the Senate, which we were hoping to have resolved as of today.

We are running into difficulties on this because we are insisting on the Senate side, where we came to the floor with a supplemental and we had every dollar of that supplemental increase for the defense offset so as not to create any additional deficit from the military accounts, from the defense accounts. We have been going through a historic argument about firewalls, transferring discretionary defense to nondefense discretionary programs, and vice versa.

So we are holding tough right now with the House of Representatives that have offset their larger military supplemental with both military accounts and nondefense accounts in the discretionary programs.

From that standpoint we right now are at a stalemate because the House wants to offset some of the defense increases with nondefense programs.

So, consequently, from the standpoint of where we are in that particular problem, we cannot accept this amendment—I am now speaking as an appropriator—we cannot accept this

because we are, in a sense, contradicting our position that we have taken in the conference process.

Mrs. BOXER. Mr. President, will the Senator be willing to yield for just a moment? Because I know the Senator is going to move to table, I would like to make a minute's worth of comments before that motion is made.

Mr. HATFIELD. Mr. President, the statement I have made just now, whether it is $10 million or $5 million or $20 million, is still the same basic issue; that is, we are taking military accounts and we are moving parts of those military accounts into nonmilitary programs.

Mrs. BOXER. I understand. I ask, would the Senator yield? I was wondering if I could make a minute's worth of comments before the Senator moves to table my amendment.

Mr. HATFIELD. I would be very happy to yield, and if the Senator needs time, I am happy to yield time for her closing comments.

Mrs. BOXER. I thank the Senator very much. I will close in just a minute.

I understand exactly what the Senator is telling me. But I have to say to my friend that the average American watching this debate is not pursuaded by procedural arguments. The American people pay taxes and work awfully hard to pay them. They will be very disappointed to learn that there are two military aircraft to transport top brass that have been ordered by this Congress even though the Pentagon did not want them. Aircraft that have been called pork by Senator WARNER, Senator MCCAIN, the Washington Post, and others. Even Colin Powell has stated we have no need for these planes. Yet because of this procurement, we are taking computers out of the classrooms, we are hurting our children, I just think, regardless of the procedural arguments that I know my friend has made because he in his role must make that argument, I still believe that we should not table this amendment. I think the bottom line is whether you want pupils or you want pork. I hope that my colleagues will stand on the substance of the issue and not vote on the process.

I thank my friend for being so generous with his time in helping me with my amendment.

Mr. HATFIELD. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Oregon has 4½ minutes.

Mr. HATFIELD. Mr. President, I would like to comment on another part of the problem. Again, we are not in a position to solve some of these problems immediately, but I hope as far as the future is concerned, that we could get some very careful consideration by the administration. The problem is, we are dealing with a supplemental appropriations for the military, for the Defense Department, for matters relating to Bosnia, to Haiti, to North Korea, and to other such areas of the world. Some of our colleagues are saying to us but that is not truly a defense expenditure. It is being charged against the military in the way we budget our expenditures. But that is not truly a defense item. And why should the military bear the brunt of these more political foreign policy actions.

And, of course, they have been conducted oftentimes with little or no consultation with the Congress. So what happens is those commitments are made. Those policies are executed. And all of a sudden we get the bill. No authorization. No action by the Congress.

This has not happened just in this administration. It has happened over the years. But I do think that at one point in time we better start charging to the Defense Department those things that are exclusively national defense and take peacekeeping and humanitarian and all these other types of things that we are involved in and call them something else and charge them maybe to a broader base of accounts than in the Defense Department.

I am not saying how it should be handled, but we are really in a hybrid situation of trying to pay in the military appropriation for those actions that are not strictly defense, a mission of our Defense Department. So I only add to the complexity of trying to separate these funds between military and nonmilitary discretionary.

If the Senator has no further comments to make, I would now move to table the Boxer amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HATFIELD. Now, Mr. President, let me ask the parliamentary situation. Unanimous consent was made on the basis of the two votes, one relating to the Kerrey amendment and now to the Boxer amendment, to be stacked and those rollcalls should occur in sequence?

The PRESIDING OFFICER. The question first will occur on amendment No. 435, the amendment of the Senator from Nebraska, and then on amendment No. 436, the amendment of the Senator from California.

Mr. HATFIELD. Has the motion to table the Kerrey amendment been made?

The PRESIDING OFFICER. That motion has not yet been made.

Mr. HATFIELD. Mr. President, I now move to table the Kerrey amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

It appears that there is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment No. 435. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. FAIRCLOTH] is necessarily absent.

I also announce that the Senator from Kansas [Mrs. KASSEBAUM] and the Senator from Minnesota [Mr. GRAMS] are absent due to a death in the family.

Mr. FORD. I announce that the Senator from Montana [Mr. BAUCUS], the Senator from North Dakota [Mr. CONRAD], and the Senator from North Dakota [Mr. DORGAN] are necessarily absent.

The PRESIDING OFFICER (Mr. ASHCROFT). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 45, nays 49, as follows:

[Rollcall Vote No. 122 Leg.]

YEAS—45

Akaka	Feinstein	Mack
Bennett	Frist	McConnell
Bingaman	Gorton	Mikulski
Bond	Grassley	Moynihan
Boxer	Gregg	Murkowski
Burns	Hatch	Murray
Byrd	Hatfield	Packwood
Campbell	Heflin	Pressler
Coats	Hutchison	Santorum
Cochran	Inouye	Sarbanes
Coverdell	Johnston	Shelby
Craig	Kempthorne	Specter
D'Amato	Kyl	Stevens
Dole	Lott	Thompson
Domenici	Lugar	Thurmond

NAYS—49

Abraham	Graham	Nickles
Ashcroft	Gramm	Nunn
Biden	Harkin	Pell
Bradley	Helms	Pryor
Breaux	Hollings	Reid
Brown	Inhofe	Robb
Bryan	Jeffords	Rockefeller
Bumpers	Kennedy	Roth
Chafee	Kerrey	Simon
Cohen	Kerry	Simpson
Daschle	Kohl	Smith
DeWine	Lautenberg	Snowe
Dodd	Leahy	Thomas
Exon	Levin	Warner
Feingold	Lieberman	Wellstone
Ford	McCain	
Glenn	Moseley-Braun	

NOT VOTING—6

Baucus	Dorgan	Grams
Conrad	Faircloth	Kassebaum

So the motion to table the amendment (No. 435) was rejected.

Mr. KERREY. Mr. President, I move to reconsider the vote.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 436

The PRESIDING OFFICER. Under the previous order, the vote will now occur on the motion to table the Boxer amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. FAIRCLOTH] is necessarily absent.

I also announce that the Senator from Minnesota [Mr. GRAMS] and the Senator from Kansas [Mrs. KASSEBAUM] are absent due to a death in the family.

Mr. FORD. I announce that the Senator from Montana [Mr. BAUCUS], the Senator from North Dakota [Mr.

CONRAD] and the Senator from North Dakota [Mr. DORGAN] are necessarily absent.

The PRESIDING OFFICER (Mr. FRIST). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 46, as follows:

[Rollcall Vote No. 123 Leg.]

YEAS—48

Ashcroft	Grassley	Murkowski
Bennett	Gregg	Nickles
Bond	Hatch	Nunn
Brown	Hatfield	Packwood
Burns	Heflin	Pressler
Byrd	Helms	Roth
Chafee	Hutchison	Santorum
Coats	Inhofe	Shelby
Cochran	Inouye	Simpson
Coverdell	Jeffords	Smith
Craig	Kempthorne	Specter
D'Amato	Lieberman	Stevens
Dole	Lott	Thomas
Domenici	Lugar	Thompson
Frist	Mack	Thurmond
Gramm	McConnell	Warner

NAYS—46

Abraham	Feinstein	McCain
Akaka	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Gorton	Moynihan
Boxer	Graham	Murray
Bradley	Harkin	Pell
Breaux	Hollings	Pryor
Bryan	Johnston	Reid
Bumpers	Kennedy	Robb
Campbell	Kerrey	Rockefeller
Cohen	Kerry	Sarbanes
Daschle	Kohl	Simon
DeWine	Kyl	Snowe
Dodd	Lautenberg	Wellstone
Exon	Leahy	
Feingold	Levin	

NOT VOTING—6

Baucus	Dorgan	Grams
Conrad	Faircloth	Kassebaum

So the motion to lay on the table the amendment (No. 436) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 435 TO AMENDMENT NO. 420

The PRESIDING OFFICER. The question occurs on the Kerrey amendment.

The Senator from Oregon.

AMENDMENT NO. 437 TO AMENDMENT NO. 435

Mr. HATFIELD. Mr. President, I believe there is a second-degree amendment of Senator SHELBY. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes an amendment numbered 437 to amendment No. 435.

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

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

The amendment is as follows:

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

Of the funds made available under this heading in Public Laws 101–136, 101–509, 102–27, 102–141, 103–123, 102–393, 103–329, $1,842,885,000 are rescinded from the following projects in the following amounts:

Alabama:
Montgomery, U.S. Courthouse annex, $46,320,000
Arkansas:
Little Rock, Courthouse, $13,816,000
Arizona:
Bullhead City, FAA grant, $$2,200,000
Lukeville, commercial lot expansion, $1,219,000
Nogales, Border Patrol, headquarters, $2,998,000
Phoenix, U.S. Federal Building, Courthouse, $121,890,000
San Luis, primary lane expansion and administrative office space, $3,496,000
Sierra Vista, U.S. Magistrates office, $1,000,000
Tucson, Federal Building, U.S. Courthouse, $121,890,000
California:
Menlo Park, United State Geological Survey office laboratory building, $6,868,000
Sacramento, Federal Building-U.S. Courthouse, $142,902,000
San Diego, Federal building-Courthouse, $3,379,000
San Francisco, Lease purchase, $9,702,000
San Francisco, U.S. Courthouse, $4,378,000
San Francisco, U.S. Court of Appeals annex, $9,003,000
San Pedro, Customhouse, $4,887,000
Colorado:
Denver, Federal building-Courthouse, $8,006,000
District of Columbia:
Central and West heating plants, $5,000,000
Corps of Engineers, headquarters, $37,618,000
General Services Administration, Southeast Federal Center, headquarters, $25,000,000
U.S. Secret Service, headquarters, $113,084,000
Florida:
Ft. Myers, U.S. Courthouse, $24,851,000
Jacksonville, U.S. Courthouse, $10,633,000
Tampa, U.S. Courthouse, $14,998,000
Georgia:
Albany, U.S. Courthouse, $12,101,000
Atlanta, Centers for Disease Control, site acquisition and improvement, $25,890,000
Atlanta, Centers for Disease Control, $14,110,000
Atlanta, Centers for Disease Control, Roybal Laboratory, $47,000,000
Savannah, U.S. Courthouse annex, $3,000,000
Hawaii:
Hilo, federal facilities consolidation, $12,000,000
Illinois:
Chicago, SSA DO, $2,167,000
Chicago, Federal Center, $47,682,000
Chicago, Dirksen building, $1,200,000
Chicago, J.C. Kluczynski building, $13,414,000
Indiana:
Hammond, Federal Building, U.S. Courthouse, $52,272,000
Jeffersonville, Federal Center, $13,522,000
Kentucky:
Covington, U.S. Courthouse, $2,914,000
London, U.S. Courthouse, $1,523,000
Louisiana:
Lafayette, U.S. Courthouse, $3,295,000
Maryland:
Avondale, DeLaSalle building, $16,671,000
Bowie, Bureau of Census, $27,877,000
Prince Georges/Montgomery Counties, FDA consolidation, $284,650,000
Woodlawn, SSA building, $17,292,000
Massachusetts:
Boston, U.S. Courthouse, $4,076,000
Missouri:
Cape Girardeau, U.S. Courthouse, $3,688,000
Kansas City, U.S. Courthouse, $100,721,000
Nebraska:
Omaha, Federal Building, U.S. Courthouse, $9,291,000
Nevada:
Las Vegas, U.S. Courthouse, $4,230,000
Reno, Federal building—U.S. Courthouse, $1,465,000
New Hampshire:
Concord, Federal building—U.S. Courthouse, $3,519,000
New Jersey:
Newark, parking facility, $9,000,000
Trenton, Clarkson Courthouse, $14,107,000
New Mexico:
Albuquerque, U.S. Courthouse, $47,459,000
Santa Teresa, Border Station, $4,004,000
New York:
Brooklyn, U.S. Courthouse, $43,717,000
Holtsville, IRS Center, $19,183,000
Long Island, U.S. Courthouse, $27,198,000
North Dakota:
Fargo, Federal building-U.S. Courthouse, $20,105,000
Pembina, Border Station, $93,000
Ohio:
Cleveland, Celebreeze Federal building, $10,972,000
Cleveland, U.S. Courthouse, $28,246,000
Steubenville, U.S. Courthouse, $2,820,000
Youngstown, Federal Building-U.S. Courthouse, $4,574,000
Oklahoma:
Oklahoma City, Murrah Federal building, $5,290,000
Oregon:
Portland, U.S. Courthouse, $5,000,000
Pennsylvania:
Philadelphia, Byrne-Green Federal building-Courthouse, $30,628,000
Philadelphia, Nix Federal building-Courthouse, $13,814,000
Philadelphia, Veterans Administration, $1,276,000
Scranton, Federal Building-U.S. Courthouse, $9,969,000
Rhode Island:
Providence, Kennedy Plaza Federal Courthouse, $7,740,000
South Carolina:
Columbia, U.S. Courthouse annex, $592,000
Tennessee:
Greeneville, U.S. Courthouse, $2,936,000
Texas:
Austin, Veterans Administration annex, $1,028,000
Brownsville, U.S. Courthouse, $4,339,000
Corpus Christi, U.S. Courthouse, $6,446,000
Laredo, Federal building-U.S. Courthouse, $5,986,000
Lubbock, Federal building-Courthouse, $12,167,000
Ysleta, site acquisition and construction, $1,727,000
U.S. Virgin Islands:
Charlotte Amalie, St. Thomas, U.S. Courthouse, $2,184,000
Virginia:
Richmond, Courthouse annex, $12,509,000
Washington:
Blaine, Border Station, $4,472,000
Point Roberts, Border Station, $698,000
Seattle, U.S. Courthouse, $10,949,000
Walla Walla, Corps of Engineers building, $2,800,000
West Virginia:
Beckley, Federal building-U.S. Courthouse, $33,097,000
Martinsburg, IRS center, $4,494,000
Wheeling, Federal building-U.S. Courthouse, $35,829,000
Nationwide chlorofluorocarbons program, $12,300,000
Nationwide energy program, $15,300,000

UNANIMOUS-CONSENT AGREEMENT

Mr. HATFIELD. Mr. President, I would like to have the attention of the Senate in order to get our schedule for the next few hours.

Mr. President, I am going to propound a unanimous-consent agreement,

first of all to set aside the D'Amato amendment temporarily in order to take up other amendments. I make that request.

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

Mr. HATFIELD. Mr. President, I now propound a unanimous-consent agreement as follows: that the Shelby amendment in the second degree to the Kerrey amendment be given a half-hour time agreement; that the Kyl amendment which relates to low income energy assistance be given a half-hour, time to be equally divided; a Reid amendment—and may I inquire, again the subject I do not have?

Mr. REID. Mr. Chairman that is to take money from the civilian nuclear waste fund and put it in the community, and the second is the same except to put it in rural health programs.

Mr. HATFIELD. The two Reid amendments each be given 40 minutes equally divided; and that votes on all these amendments at the time of a rollcall, if necessary, begin at 9:30 p.m. So we would be stacking each of these amendments to be voted on if a rollcall is required.

I ask that there be no second-degree amendments in order prior to a motion to table.

Mr. McCAIN. Reserving the right to object.

Mr. DODD. Reserving the right to object.

Mr. McCAIN. I would like to add an amendment, depending on the outcome of the Shelby amendment on that list.

Mr. DODD. Reserving the right to object, Mr. President.

Mr. HATFIELD. I would like to amend my request, on the contingency of how the Shelby amendment turns out, the Senator from Arizona [Mr. McCAIN] be recognized for 10 minutes.

I ask unanimous consent that time on the pending amendments prior to the motion to table be equally divided in the usual form and no second-degree amendments be in order prior to a motion to table.

Mr. DODD. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Just to clarify, I ask, Mr. President, whether or not at the expiration of this entire time we would then—the D'Amato amendment would be the pending business, at the conclusion of those rollcall votes beginning at 9:30? I pose that as a question, Mr. President.

Mr. HATFIELD. I am sorry?

Mr. DODD. I was inquiring whether or not it is the Senator's intention at the conclusion of the rollcall votes if necessary, at 9:30, that the pending business would then once again be the D'Amato amendment?

Mr. HATFIELD. The Senator is correct.

Let me make an amendment. I said 9:30. If we add up these times, if all is used—I am hoping some of the time might be yielded back—it would be about 9:40. So, may I get a little flexibility there—between 9:30 and 9:45.

Mr. DODD. Mr. President, reserving again the right to object, understanding at the end of that we would begin the D'Amato amendment?

Mr. HATFIELD. Right back on the D'Amato amendment.

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

Mr. CHAFEE. Could I direct a question to the manager of the bill? At the conclusion of the voting are we through for the evening?

Mr. HATFIELD. No. It depends on how many other amendments there are. We will continue. We will continue to do the business of the Senate and be ready for all amendments.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 437 TO AMENDMENT NO. 435

Mr. SHELBY. Mr. President, the amendment, which is the second-degree amendment that I have offered, would basically say that all new construction projects under the General Services Administration, the Federal buildings fund, construction and repair projects, where no earth has been turned, no overt things have been done as far as repairs on the building as yet—in other words, nothing done—this would basically total 1.84 billion dollars' worth of projects in not every State but a lot of States in the Union, including my State of Alabama where we have a Federal courthouse ready to go with a $46 million projected cost—we have the list—would be knocked out of the appropriations bill. They would be gone.

I will just list them basically.

Montgomery, AL, courthouse, $46 million. That is the first one. Little Rock, AR, courthouse, $13 million; Bullhead City, AZ, FAA grant, $2,200,000; Nogales, AZ, Border Patrol headquarters, $2,998,000; Phoenix, AZ, courthouse, $121,890,000; Sierra Vista, AZ, magistrates office, $1 million; the Tucson, AZ, courthouse, $121.8 million; Sacramento, CA, courthouse, $142.9 million; San Francisco, CA, lease-purchase $9 million; San Francisco, CA, courthouse, $4 million; the Washington, DC, U.S. Secret Service headquarters, $113 million; and the list goes on and on.

We have included in there Prince Georges/Montgomery County, MD, FDA consolidation, $284 million.

It says that we are going to save this money, at least temporarily, until GSA says we are ready to go. As I said, it is $1.842 billion.

I think the Senator from Nebraska will join me in this amendment. But I will leave that up to him.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. I thank the Chair, and I thank the distinguished Senator from Alabama.

Having gained majority support for an amendment that added approximately $300 million to the rescissions package, this at least, it seems to me, will now decrease that by $1.8 billion. I believe that this is wise given the fact that we are going to be cutting, we are going to be taking up amendments immediately following this that have to do with low-income energy assistance and it will not be the last time that we visit a program where real people are going to have their lives affected in rather serious fashion. This, it seems to me, is setting our priorities straight.

I am pleased that the distinguished Senator from Alabama is offering it as a second-degree amendment, and I am pleased to urge my colleagues to support it strongly.

Mr. SHELBY. Mr. President, I yield 5 minutes to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. Mr. President, apparently through an oversight, mistake, or some other reason, there are courthouses that did not meet any of the criteria set out by the Senator from Nebraska but nevertheless made the selected list that was the subject of the last amendment. One of those was in Hammond, IN, the Hammond courthouse. Selected criteria indicated that those on the list were not requested by the General Services Administration. The Hammond courthouse was requested by GSA. I quote from their report:

> The purpose and need determination, and the . . . building project survey lead to the conclusion that a new Federal building with expanded courtroom space is required to serve Lake and Porter Counties, Indiana. It was also subject to the timeout process another criteria projects were not supposed to have met if they were on the list.

I quote again:

> Judicial requirements for Hammond have actually grown since the initial timeout review. Savings to be identified from application of value engineering techniques during the construction phase of this project will permit us to satisfy these additional requirements without requesting any additional funds.

That was stated in a letter from the GSA Administrator Roger Johnson.

The amendment purported to target projects that the agencies did not request or need. However, as I just pointed out, this particular project and others, such as an Arizona project which the Senator from Arizona pointed out to me, did not meet any of the criteria set forth by the Senator from Nebraska but were included on the list. I do not know why they were included on the list. I do not know if it was a mistake. But I know there were other projects that did meet the criteria but were not included on the list.

I am not going to speculate why they were not on the list. Nevertheless, because the motion to table was not agreed to, which would have given us an opportunity to construct an accurate list, we now have an amendment before us which will rescind funding for all projects in which construction has not started. That I would suggest

would save a considerable amount of money.

The Senator from Alabama has read some of those courthouses, frankly, many of which met the criteria outlined by the Senator from Nebraska but somehow were not on the list. It is a little bit puzzling to this Senator how projects that did not meet the criteria to be rescinded outlined by the Senator from Nebraska made the list but projects that did meet the criteria were not on the list.

This amendment offered by Senator SHELBY is about fairness. The Senator from Nebraska's capricious standards were not applied uniformly and singled out particular projects that did not even meet the standards set forth. If Senator KERREY's purpose is to save taxpayer dollars, which is a commendable purpose, then everything should be on the table as it is in Senator SHELBY's amendment. Then we are talking about big money. I will just read a few of the several that would really save the taxpayers money.

The courthouse project in Sacramento, CA, $142.9 million, Wheeling, WV, courthouse, $35.8 million; Brooklyn, NY, $43.7 million; Fargo, ND, $20.1 million; and the list goes on. In fact, there are a number of courthouses included in the current amendment that have not even been authorized. We are going to take them all now. We are just going to sweep the whole bundle as long as construction has not started.

We are going to take the whole bundle. I regret that those projects which GSA has approved, which GSA subjected to time out and review process, which GSA has certified are legitimate projects, are going to be included in this amendment. But if we are going to include those, then for sure we are going to include every project equitably. Quite frankly, if the Senator from Nebraska's criteria was actually followed in the list he submitted then it would have been a good amendment. But it is not right or fair for the Senator from Nebraska to claim that all the projects on the list met the criteria because they did not.

And again I wish to say it is a mystery as to why some courthouses in California, North Dakota, West Virginia, and other States were not on that list when they clearly met the criteria established for rescission outlined by the Senator from Nebraska, and others that clearly did not meet that criteria were on the list. I will leave to the speculation of others why those were on the list. I regret that. But now everybody is in. We can save a ton of money—$1.842 billion. So let us go ahead and do it.

Mr. President, I yield the floor.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Nebraska.

Mr. KERREY. Mr. President, I take the point that the distinguished Senator from Indiana makes. To be clear on this, the GSA timeout review process was completed in 1993 and then modified after for a variety of reasons. It is one criterion. In my Dear Colleague letter I listed four, and even there, I must say, at some point you do become arbitrary.

The distinguished Senator from Alabama in offering his own arguments against the underlying amendment indicated as much is the case. It is absolutely the case. At some point we do try to make good judgments based upon what we think is fair. And obviously, if it hits us, it does not quite sound fair. I understand that.

We try, I would say to my friend from Indiana, to be fair. And as I said earlier, I am quite pleased that instead of $300 million, we now have before us $1.8 billion. The question must fall to all of us with this second-degree amendment. What happens to the country if this $1.8 billion is not spent.

In comparison to other things that we are going to be considering not only in this rescission package but later on in the budget resolution when the distinguished Senator from New Mexico finishes his work, I suspect that we are going to look back upon this as a rather small item in comparison and say that it was good policy the distinguished Senator from Alabama rose and put another $1.5 billion on the table.

So I hope my colleagues will when the time comes support the amendment of the Senator from Alabama.

Mr. SHELBY. Mr. President, I just want to remind my colleagues that initially in the committee we had cut approximately $75 million perhaps more than the House. We thought in the committee, as I said earlier, that we were trying to be fair in the process. I thought the earlier amendment, the Kerrey amendment was selective and aimed at selected projects. So I thought only to be fair is to take everything including my own courthouse in Montgomery, AL. And if the Senate, Mr. President, wants spending cuts in Federal buildings which affects just about every State, then they can go with the $1.8 billion cut the Shelby amendment offers.

Mr. President, I ask unanimous consent that this list of projects that I alluded to earlier, ''General Services Administration Federal Buildings Fund Construction and Repair Projects,'' be printed in the RECORD.

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

General Services Administration Federal Buildings Fund Construction and Repair Projects

	Thousands
New construction projects where design, site acquisition and construction awards (construction not begun) have not been awarded:	
Montgomery, AL Courthouse	$46,320
Little Rock, AR Courthouse	13,816
Bullhead City, AZ FAA Grant	2,200
Nogales, AZ Border Patrol HQ	2,998
Phoenix, AZ Courthouse	121,890
Sierra Vista, AZ Magistrates	1,000
Tucson, AZ Courthouse	80,974
Sacramento, CA Courthouse	142,902
San Francisco, CA Lease/Purchase	9,702
San Francisco, CA Courthouse	4,378
Washington, DC, USSS HQ	113,084
Washington, DC, Corps of Eng HQ	37,618
Ft. Myers, FL, Courthouse	25,851
Jacksonville, FL Courthouse	10,633
Albany, GA Courthouse	12,101
Atlanta, GA CDC Laboratory	47,000
Atlanta, GA CDC Mercer office bldg	40,000
Savannah, GA Courthouse	3,000
Hilo, HA facility consolidation	12,000
Chicago, SSA offices	2,167
Hammond, IN Courthouse	52,272
Covington, KY Courthouse	2,914
London, KY Courthouse	1,523
Lafayette, LA Courthouse	3,295
Bowie, MD Census building	27,877
PG/Montgomery Counties, MD FDA cons	284,650
Cape Girardeau, MO Courthouse	3,688
Kansas City, MO Courthouse	100,721
Omaha, NE Courthouse	9,291
Newark, NJ Parking facility	9,000
Albuquerque, NM Courthouse	47,459
Las Vegas, NV Courthouse	4,230
Brooklyn, NY Courthouse	43,717
Long Island, NY Courthouse	27,198
Fargo, ND Courthouse	20,105
Pembina, ND Border Station	93
Cleveland, OH Courthouse	28,246
Steubenville, OH Courthouse	2,820
Youngstown, OH Courthouse	4,574
Scranton, PA Courthouse	9,969
Columbia, SC Courthouse annex	592
Greeneville, TN Courthouse	2,936
Austin, TX VA annex	1,028
Brownsville, TX Courthouse	4,339
Corpus Christi, TX Courthouse	6,446
Laredo, TX Courthouse	5,986
Highgate Springs, VT Border Station	7,085
Blaine, WA, Border Station	4,472
Point Roberts, WA Border Station	698
Seattle, WA Courthouse	10,949
Beckley, WV Courthouse	33,097
Martinsburg, WV IRS Center	4,494
Wheeling, WV Courthouse	35,829
	1,531,227
Repair and alteration projects where contracts have not been let:	
San Diego, CA FB/CH	3,379
San Pedro, CA Customhouse	4,887
Menlo Park, CA USGS office	6,868
Denver, CO FB/CH	8,006
Chicago, IL Federal Center	47,682
Chicago, IL Dirksen building	1,200
Chicago, J.C. Kluczynski building	13,414
Jeffersonville, IN Federal Center	13,522
Avondale, MD DeLaSalle building	16,674
Woodlawn, MD SSA building	17,292
Trenton, NJ Clarkson CH	14,107
Holtsville, NY IRS Center	19,183
Cleveland, OH Celebreeze FB	10,972
Oklahoma City, OK Murrah FB	5,290
Philadelphia, PA Byrne-Green FB/CH	30,628
Philadelphia, PA Nix FB/CH	13,814
Providence, RI FB/PO	7,740
Lubbock, TX FB/CH	12,167
El Paso, TX Ysleta Border Station	7,292
Richmond, VA Courthouse annex	12,509
Walla Walla, WA Corps of Eng. bldg	2,800
	269,426
Savings identified by the General Services Administration's timeout and review:	
Lukeville, AZ Border Station	1,219
San Luis, AZ Border Station	3,496
San Francisco, CA Court of Appeals	9,003

	Thousands
Washington, DC central/west heating	5,000
Tampa, FL CH	5,994
Boston, MA CH	4,076
Reno, NV CH	1,465
Concord, NH CH	3,519
Portland, OR CH	5,000
Philadelphia, PA VA	2,800
	40,048
This project has been canceled:	
Charlotte Amalie, US VI CH	2,184
Total	1,842,885

Mr. KERREY. Mr. President, I am prepared to yield back the remainder of my time.

Mr. SHELBY. We will yield our time back.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

AMENDMENT NO. 434

Mr. KYL. Mr. President, I have an amendment at the desk, No. 434, which I will advise my colleagues I do not intend to call up, but in order to have a time agreement on this amendment which will enable us to discuss it for a period of a half an hour we have agreed not to call for a vote at the conclusion of the discussion.

It is too bad, Mr. President, because to some extent it seems we are on the horns of a dilemma when we seek to add more rescissions to the list of those that have been recommended by the committee. This amendment, No. 434, would conform the rescission of the Low-Income Home Energy Assistance Program, the so-called LIHEAP, to that of the House of Representatives.

Some of my colleagues, on the one hand, said we cannot afford to have a vote on this and win it because, if we do, the President will then veto the bill and we will not get any rescissions; it will not be $17 billion; it will not be $13 billion; it will not be anything. And other colleagues say we cannot afford to have a vote on this amendment because if we do and it is defeated, then we will not be able to argue in the conference that we should rescind more money because the amendment will have been defeated on the floor of the Senate.

I think it is important, however, that these issues be discussed because during the debate on the balanced budget amendment which occurred for over 5 weeks we heard over and over again from opponents of the balanced budget amendment that we did not need a constitutional requirement to force us to balance the budget.

We were elected to make the hard decisions, but we are not making the hard decisions. This is a hard decision, but in a moment I am going to read some material to my colleagues which I think will demonstrate that it really is not that hard. We can rescind more money from this program. And in a moment I will explain the reasons why.

Too often the argument is made, on the one hand, that we were elected to make the hard decisions and then when the hard decisions are placed before us, our colleagues are not ready to make those hard decisions.

And so we are going to discuss this for a half an hour right now. We will not have a vote on it, but we will eventually have a vote on it because we are going to have to determine whether it is the House level of rescission or the Senate level of rescission that will prevail. Mr. President, on this I support the House level of rescission.

Let us talk just a little bit about what this program is. The Low-Income Home Energy Assistance Program, or LIHEAP, provides utility assistance for poor families in America as a result of the energy crisis of the late 1970's and early 1980's. It was initiated in 1981 to temporarily supplement existing cash assistance programs to help low-income individuals pay for what were then escalating home fuel costs resulting from the energy crisis.

An interesting thing happened. Since the program's creation, real energy prices have declined to pre-1980 levels and according to the CBO's February 1995 report ''Reducing Deficit Spending and Revenue Options,'' real prices of household fuels have declined 22 percent. So those real low prices mean that it is time to reconsider this program.

It is also interesting that in the CBO report 26 States transferred up to 10 percent of their LIHEAP funds during the 1993 period to supplement spending for five other social and community services block grant programs and 10 percent is the maximum that they can transfer under this program. So the transfers indicate that at least some States believe that spending for energy assistance does not have as high a priority as other spending. As I said, it is time to reconsider this program.

Now, is this just the position of a conservative Republican from Arizona? No. Let me read to you from the budget of the President of the United States, William Clinton, last year.

The President is requesting $730 million. That is half as much as is requested in this year's budget. Here is what the President said: We had to eliminate or refocus many programs including LIHEAP. Why? Well, several factors influenced our decision, he says:

1. LIHEAP began as a response to the severe energy crisis in the early 1970's and early 1980's which caused quantum increases in energy prices. Since then, energy prices and the percentage of income spent by low-income households on home energy decreased substantially.

What began as a program—

And I continue to quote here from the President's budget. This is President Clinton's budget requesting a reduction in funds last year.

What began as a program focused on easing the energy crisis has evolved into a very narrowly focused income supplement program which provides average benefits of less than $200, does not target well those low-income households with exceptionally high energy costs in relation to income, and which does little to help assisted households achieve independence from the program.

I am quoting from President Clinton's budget, indicating why this program should have been cut last year.

The administration has made major improvements [he says] in the Nation's basic income supplement programs, increasing the earned income tax credit for the working poor, expanding the Food Stamps Program and reforming the welfare system. These changes reduce the need for peripheral income supplement programs such as LIHEAP.

And the President concluded:

Considering these factors, we concluded that the time had come to refocus LIHEAP on the energy needs of low-income families and to shift away from income supplementation and dependency.

Mr. President, LIHEAP is a very good example of what has happened so often with the Federal budget. A crisis develops at some point in our history which causes us to implement a Federal program which extracts taxpayer dollars from all over the country and focuses it on a limited segment of our population. We vote to do that because at the time it appears to us that there is a group in need and we want to assist them. But over time the original need for that program, the original rationale for it disappears or is substantially reduced. Sometimes people cannot even remember why it was put into effect.

We remember why this was put into effect. Because there was a severe crisis at the time. That crisis is gone.

The authority for what I just said is no less than the President of the United States, President Clinton, who, last year in his budget submission, said we can cut this program in half. Now, nothing has changed between last year and this year. As a matter of fact, the area of the Northeast has improved its economy. So there are fewer people that would require the assistance.

But still we have people from all over the United States and, in particular, the Northeast part of the country saying that this is an absolute necessity for the people who are their constituents, they cannot get along without it.

Mr. President, there is a billboard in my community. It has a nice picture of Uncle Sam painted on it, and it says: ''Remember, he's your uncle, not your dad.''

We have to stop relying on the Federal Government to do so many things for us. Yes, there are a lot of things that would be nice if we had the money for them. But as we learned during the debate on the balanced budget amendment, it is time to begin setting priorities. And when the President of the United States, a previous supporter of the program, says it ought to be cut in half because the need for it has been substantially reduced because the original problem—the energy crisis—is now gone, should we not in the House and in the Senate be willing to follow that advice, make the tough decision,

set the priority and reduce the spending on the program?

The House of Representatives was willing to do so, but in the Senate, apparently that is not the case.

So, Mr. President, it seems to me that I could not talk to the folks in my State about reducing Federal spending and then stand by silent as we adopt this rescission package in the Senate without speaking to this program.

When the conference committee between the House and Senate meets, I am hopeful that a larger rescission will be accepted. I am willing, as I said, not to force this to a vote here and upset the applecart and cause the President to veto the entire rescission package, if he were to do that, because it is important that we get even $13 billion rescinded, although $17 billion would be a better number. But I think the American people need to start focusing on this.

I go back to what I said originally when those who opposed the balanced budget amendment said, ''You send us back here to make the tough choices and we will do it,'' as we find oftentimes, they are not willing to, and the main reason is because they can always argue that poor people benefit from the program. That is always the case. But that does not justify every bit of spending, because it is hard-working Americans who get up early in the morning, send their kids off to school, work hard all day long, come home tired and pay plenty of taxes so that programs like this can continue.

It is not mean spirited to say enough is enough. They need to be able to keep more of their hard-earned money to spend as they see fit.

So I think it is time we do reexamine this program. I submit that the House rescission number is a better number, and I urge my colleagues in the conference to support that number. I reserve the remainder of my time.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. KERRY. Mr. President, I rise in opposition to the Kyl amendment, which would affect funding for the Low-Income Heating Assistance Program [LIHEAP].

When the United States balances $400 billion of corporate tax benefits against a cut taken exclusively from the most disadvantaged, it violates the average American's sense of fairness.

I also rise to oppose the other body's Appropriations Committee's vote to rescind $1.4 billion from LIHEAP's fiscal year 1996 budget as part of the Contract with America. That would eliminate complete appropriation for LIHEAP, which gives home heating grants to low-income Americans. The program serves 5.6 million households nationwise, 30 percent of the home eligible to receive LIHEAP support.

Mr. President, in Massachusetts and other regional cold-weather States, energy prices continue to rise along with the increase in poverty. Many of the people who rely on LIHEAP have jobs, but simply can't make enough to get by when the temperature drops and the bills come in.

In Massachusetts, 143,000 households receive LIHEAP funding. If the program is eliminated, Massachusetts stands to lose $54 million for fiscal year 1995.

Eliminating LIHEAP could be a death sentence for some Massachusetts families, for the elderly, and for children who may be forced to choose between heat and food or medicine. No one should have to make that kind of choice.

That is why I and 35 senators from both parties have sent a letter to Senator MARK HATFIELD, chairman of the Senate Appropriations Committee, urging restoration of LIHEAP funds in the rescission package.

LIHEAP is a block grant administered by State and local governments, and is one of the most cost-effective and efficient Federal subsidy programs. Seventy percent of LIHEAP recipients do not receive other government relief, such as Aid to Families with Dependent Children or food stamps, but rely on this aid to supplement their monthly income during the winter months.

Mr. President, I would like to close by offering the following graphic illustration of the importance of this issue.

The December before last, a fire burned down a small apartment building in the Mount Pleasant region of DC, burning to death two little girls, Amber and Asia Spencer, ages 6 and 5. Neighbors recalled Amber's last words—''Please, please, help us.'' The girls were killed by a fire when one of the candles that was used to heat their apartment fell over. The electricity had been turned off two months earlier when the girl's guardian—their grandmother—could not afford to pay the heating bill.

Every winter children across the country are killed or jeopardized by fires caused by desperate attempts to keep warm or to lighten darkened homes. Mr. President, this country cannot abide this sad state of affairs. We can and we must do better—not worse—by the children and families who need the bare necessities to survive.

Mr. WELLSTONE. Mr. President, I know there are other colleagues on the floor who wish to speak on this, and we have had some prior discussion with the Senator from Arizona. I think we have an agreement on how to proceed. I appreciate the discussions that I have had with the Senator from Arizona.

Let me just make a couple of points. The first point is that I think that sometimes the profound mistake we make on the floor of the Senate is that there just are no people and no faces behind the statistics. I met at home with Alida Larson, and there were a number of other low-income citizens from Minnesota—understand full well, Minnesota is a cold-weather State—and each of them told their stories.

In my State of Minnesota, there are around 330,000 low-income people who really depend upon this small amount of support averaging about $330 a year which for them quite often can be the difference between being able to stay in their home or not.

Mr. President, 110,000 households, 30 percent of which the head of household is elderly, 40 percent of which households have a child, over 50 percent of which have someone working but working at low wages, 40 percent of whom after a year no longer receive this.

In the State of Minnesota, the Low Income Home Energy Assistance Program is not an income supplement. It is a survival supplement. For many, many families without this assistance, it is the choice between heat or eat.

My colleague says, ''Well, the cost of energy has gone down.'' I say to my colleague, we have seen a dramatic increase in poverty in the United States of America. We are talking about elderly people, we are talking about families with wage earners but low wages, we are talking about children. And in the State of Minnesota, there is tremendous support for the Low-Income Home Energy Assistance Program—tremendous support.

I think that my colleague will find that Senators from the Northeast and Midwest, whether they are Democrats or Republicans, feel very strongly about this.

Mr. President, finally, because I am going to stay within 5 minutes or less, as to the choices that we need to make, yes, let us move forward on deficit reduction and, yes, let us move forward to balancing the budget.

Mr. SPECTER. Will the Senator yield for a question?

Mr. WELLSTONE. I actually would be willing to except that I only have about 2 minutes before I have to literally leave the Chamber, but I will go ahead real quick.

Mr. SPECTER. The question is how much time he will take. There are quite a few speakers on this side.

Mr. WELLSTONE. Before my colleague came in, I made it clear I was going to stay within 5 minutes or so because I know there are other colleagues who wish to speak.

Mr. SPECTER. I thank the Senator.

Mr. WELLSTONE. Absolutely.

Mr. President, by way of conclusion, if we are going to be talking about cuts, look to subsidies for oil companies, look to subsidies for pharmaceutical companies, look to all sorts of deductions and loopholes and dodges that affect large corporations and large financial institutions in America.

For God's sake, Mr. President, let us not cut a program that for many, many Americans in the cold-weather States is not an income supplement but a survival supplement.

I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, will the Senator from Arizona yield me 1 minute?

Mr. KYL. I yield 1 minute to the Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to compliment my colleague from Arizona for his amendment. If we were to eliminate this program for the years 1996 through 2000, we would save $10 billion in budget authority and $7 billion in outlays. If we adopted the Senator's amendment, we would save $1.3 billion. I think that would be a step in the right direction.

This program was not created to be a welfare program, and I think our colleague from Arizona is exactly right, if we want to cut spending, this would be an excellent example.

I compliment him for his amendment. I urge it be adopted. I yield the floor.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. SPECTER. Mr. President, we have a time agreement. How much time does the Senator wish?

Mr. KOHL. Three minutes.

Mr. SPECTER. Can he settle for 2?

Mr. KOHL. All right.

Mr. KOHL. Mr. President, I strongly oppose this amendment which completely eliminates the Low-Income Home Energy Assistance Program. This program helps low-income elderly, the disabled, and working poor to cover a portion of the heating of their homes.

Mr. President, the bill we are considering today is a disaster relief bill. It is about helping people fight back against the wrath of nature, whether it be floods, earthquakes or other natural emergencies. When disaster strikes, Americans band together to help those who are down on their luck and to afford everyday necessities.

Heat, food and shelter are everyday necessities, Mr. President. Low-income families and the elderly who must confront bitter cold weather year in and year out are no less deserving of compassion than victims of a flood or earthquake.

The House made the unfortunate decision to eliminate or kill LIHEAP. The Senate Appropriations Committee, under the direction of the distinguished Senator from Oregon and the distinguished Senator from Pennsylvania, wisely rejected this cut. Home energy costs consume an unreasonably high portion of resources for those with limited incomes, particularly during harsh winters.

My colleague from Arizona is fortunate to come from a warm-weather State. In fact, many people from my own State of Wisconsin retired to his fine State because of the very appealing weather. Unfortunately, not everyone can afford to leave their homes to avoid the cold. Often, low-income families and the elderly are forced to choose between food, medicine or heat.

Mr. President, this is a choice that no one should have to make in our country. Although we must cut Federal spending and we must control our deficit, it should not be done at the expense of people's health and safety.

We must preserve LIHEAP and reject the House cut.

I urge my colleagues to oppose the Kyl amendment.

Thank you.

Mr. SPECTER. I ask my colleague from Vermont how much time he needs.

Mr. JEFFORDS. Two minutes.

Mr. SPECTER. Mr. President, how much time remains?

The PRESIDING OFFICER. Eight minutes remain.

Mr. SPECTER. I yield 2 minutes to the Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise in opposition to the amendment of the Senator from Arizona. It may well be that we should take another look at this program, but this is no place to do it. There may be States like Arizona and Oklahoma and others that may be willing to give up whatever they get under LIHEAP because they do not have the needs of some of the other areas of the country.

In my State of Vermont, this is a critical program. Over the last 3 years, energy prices have gone up in Vermont by 21 percent. At the same time, LIHEAP funding has gone down by $300 million.

The average family who receives LIHEAP assistance spends over 18 percent of its income on energy. This is three times the energy burden for median-income families. I would expect a lot less for those in Arizona and Oklahoma. Fifty-five percent of all LIHEAP homes include at least one child under the age of 18 and 43 percent include a senior citizen. Both figures are far above the national average. Without LIHEAP assistance, many recipients could not afford to pay their heating bills in the winter and many would be forced to choose between heat and food.

Rescinding LIHEAP will also force energy providers in Vermont, and many other areas, many of whom are small unregulated businesses, to choose between not getting paid for the energy they provide and cutting off their neediest customers.

LIHEAP is well run and administered by State and local governments who keep administrative costs at about 8 percent, far below the average, so the money is getting to those who need it. It has strong bipartisan support from Senators in my region and all around the country.

I urge defeat of the amendment.

Mr. SPECTER. How much time does the Senator from Connecticut desire?

Mr. DODD. I would like 1½ or 2 minutes.

Mr. SPECTER. How much time remains, Mr. President?

The PRESIDING OFFICER. Six minutes remain.

Mr. SPECTER. I yield 1½ minutes to the Senator from Connecticut.

Mr. DODD. Let me commend our colleague from Pennsylvania who, I gather, led the charge in the Appropriations Committee for the restoration of these funds. I commend him, Senator JEFFORDS, Senator WELLSTONE, and others, who have spoken out on this issue.

Mr. President, in the committee report, House Appropriations concludes that this program is no longer needed. There are 60,000 in my State each winter who depend upon this source of assistance, not just as a casual need, but a serious one.

In fact, in anticipation of the study that the energy prices have dropped and it is no longer needed, I asked the Congressional Research Service to complete a study on energy prices and LIHEAP appropriations. They found that actually there would need to be an increase if you tracked energy price fluctuations over the last few years. This year, we budgeted $1.130 billion, which is far below what they tell us you would actually need. Dr. Deborah Frank, a pediatrician at Boston University, tracked over many years malnutrition among children following significant periods of cold in the Northeast and discovered that after those periods of very low temperatures, actually malnutrition in children went up because of parents making the tough choice of heat over food.

So this issue has been critically important to major parts of the country. I sincerely hope the amendment is rejected. This goes far beyond what most of us recognize as a valuable safety net for many in the country.

Mr. SPECTER. Mr. President, I ask the Senator from Maine, how much time does he wish?

Mr. COHEN. Could I have a minute and a half and then yield 30 seconds to my colleague from Maine?

Mr. SPECTER. Mr. President, how much time remains?

The PRESIDING OFFICER. Four and a half minutes.

Mr. SPECTER. The senior Senator from Maine has 90 seconds.

Mr. COHEN. Thank you.

Mr. President, we hear a lot of talk about a beltway mentality, but it seems to me that this amendment reflects a Sunbelt mentality. I do not know how many people have spent any time in the Northeast during the winter months, but we have at least 5 months of the year during which the average temperature is below freezing. In many months it is not just subfreezing, it is subzero. When you get to northern Maine, we are talking about 20 or 30 below zero many days.

We have a lot of poor people in our State. There are some 62,000 people who are beneficiaries of this particular program. Many of them are elderly. Forty or 45 percent of those that receive LIHEAP benefits around the country are elderly. So we are putting people who have an income of approximately

$8,000, whose energy bills consume almost 18 percent of their income, and we are now saying cut the program out, prices are low enough that they can afford it.

But they cannot afford it. This is a small program compared to some others that are provided to the citizens of this country. I know it may be nice to live in a warm climate. It has been mild here in Washington, as I am sure it is in the West. In the Northeast, and throughout the industrial belt, it is very cold.

I submit to my colleagues that it would be a terrible tragedy to cut this program.

Mr. SPECTER. Mr. President, how much time remains?

The PRESIDING OFFICER. Three minutes 20 seconds.

Mr. SPECTER. I yield a minute and a half to the Senator from Maine, [Ms. SNOWE].

Ms. SNOWE. I thank the Senator. I certainly want to be on record in support of this most important program to so many people in my State, and certainly in the Northeast.

I was part of an effort back in 1980 in the House of Representatives to create this program. Yes, it was in response, originally, to a crisis. That is not unusual for the number of programs that are created in the U.S. Congress. But Congress intended it to be a long-term program, because it was serving the poorest of the poor. It is a means-tested program. It serves a number of people. Yet, it only serves 25 percent of those individuals who are actually eligible to receive benefits under this program.

This program, in real terms, has been reduced by 50 percent since 1985—50 percent. I know the Senator from Arizona was referring to the President's budget last year of $700 million, and that even the President was recommending a 50 percent reduction. He recommended that reduction because he wanted to remove the Southern States from that program. In fact, in 1994, the President recommended a supplemental increase for the low-income fuel assistance program of more than $300 million, which I think demonstrates the President's commitment to this program. But who does this program serve? Of the roughly 5.6 million households that receive low-income fuel assistance, more than two-thirds have annual incomes of less than $8,000. More than one-half have had incomes below $6,000. Thirty percent of these recipients are poor, elderly people, and 20 percent are disabled.

In my home State, 74 percent of these recipients are elderly people on fixed incomes. We are supporting people who need to have the benefits of this very valuable program.

Mr. SPECTER. Mr. President, how much time remains?

The PRESIDING OFFICER. Two minutes remain.

Mr. SPECTER. Mr. President, those who may be watching on C-SPAN 2 may be wondering why so little time is allocated here. This has been an effort by the Senator from Arizona, Senator KYL, to air the subject, but it is not going to be brought to a vote. Were it to be brought to a vote, there would be substantially more time allocated for this very important debate.

The Senators who have come to the floor have spoken for very limited periods of time and have done so to register their passionate concern about this issue. As chairman of the subcommittee which had jurisdiction over this issue and brought it to the floor, we have very carefully considered the totality of the package, and the Senate has met the House figure—the House figure totaling $17.3 billion, and the Senate figure is in excess of $13 billion. But the difference is accommodated by deferring the expenditures on FEMA, the Federal Emergency Management Agency.

Our subcommittee and the full committee determined that this funding should remain in LIHEAP because of its importance. The statistics have already been cited and I shall not repeat them. But the overwhelming majority of people have annual incomes of less than $8,000, or even $6,000. And regarding the choice of many elderly for either heating or eating, when there are emergency measures taken on alternative makeshift heating and lighting devices, an enormous number of deaths result—11 people, mostly children, in Philadelphia in a 5-month period, from August 1992 to January 1993. While we do not have nationwide figures, they would be enormous.

This is one of the most urgent programs in the Federal budget. It exemplifies what I have said. While I am committed and I think the Congress is committed on consensus to balancing the budget by the year 2002, it has to be done with a scalpel and not a meat ax.

This is a very, very, important program. Were there a longer period of time, I think we would have heard many Senators coming to the floor. Some 35 have signed a letter.

Mr. President, I note my colleague from Pennsylvania on the floor. I would ask how much time remains.

The PRESIDING OFFICER. All time has expired.

Mr. SPECTER. May I ask unanimous consent that my colleague be permitted to speak for up to 2 minutes?

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

Mr. SANTORUM. I thank the Senator for yielding time to me. I wanted to echo his remarks. This is a very important program for a lot of people in my area of the country, and in Pennsylvania particularly.

This is a program that, frankly, has not been funded to the levels that really are going to meet the needs of the people in the communities who are low income, who are not able to keep the houses warm at night.

I can say from having visited homes that have enjoyed the energy assistance program, enjoyed the benefits, that it provides that degree of safety and comfort that the houses will be warm on these cold winter nights that we have had up in our area of the country.

I congratulate the Senator for his great work on defending this program, because it is a regional program in a sense. It is a program that disproportionately benefits one area, the area that has colder temperatures. As a result, it is always on the chopping block, but is a program that meets very vital needs in providing people basic shelter and warm comfort during the very cold winter days.

I congratulate the Senator for his great work on this project. I look forward to continuing support of this program.

Mr. SPECTER. Mr. President, I thank my colleague, and I ask unanimous consent that certain documents be included in the RECORD which lend some factual support—certainly not an exhaustive statement—but some factual support that should be printed in the CONGRESSIONAL RECORD.

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

ARGUMENTS TO MAINTAIN LIHEAP FUNDING

A cut to LIHEAP funding will have a significant impact on current recipients who already have difficulty in meeting their energy bills, many having to choose between fuel and food.

Elimination of the program could be devastating, since it brings potentially life-saving heat to nearly 6 million poor families, or roughly 15 million individuals; about 30 percent of the recipients are elderly, and 20 percent are disabled.

Over 70% of LIHEAP recipients have annual incomes of less than $8000; more than half have annual incomes of less than $6000. Energy costs consume nearly 20% of these meager incomes.

25% of LIHEAP recipients receive no other federal assistance.

LIHEAP was able to serve less than 25% of eligible households in fiscal year 1994.

The average LIHEAP benefit is only about $200.

Each winter, there are cases of children dying from the use of dangerous alternative heating sources, like candles.

Contrary to some claims, low income households do not face appreciably reduced energy costs compared to the 1970's and early 1980's.

Energy prices for natural gas and electricity are just as high today as they were in the 1970's, even in constant dollars.

50% of LIHEAP recipients heat with natural gas.

Increased competition among utilities has intensified cost-cutting, making it unlikely they would absorb LIHEAP costs that could put them at a competitive disadvantage. If LIHEAP were abolished, we could expect a major increase in households losing utility services, and increased homelessness.

This program has already suffered large cuts; current funding is $781 million, or 37 percent, below its 1985 level.

FUNDING HISTORY

1985—$2,100,000,000.
1986—$2,010,000,000.
1987—$1,825,000,000.
1988—$1,532,000,000.
1989—$1,383,000,000.

1990—$1,443,000,000.
1991—$1,610,000,000.
1992—$1,500,000,000.
1993—$1,346,000,000.
1994—$1,437,000,000.
1995—$1,319,204,000.
1996—$1,319,204,000.

Mr. KYL. In my 48 remaining seconds, let me say, ''I told you so.''

I said at the beginning that Members would come running out of their offices to come to the floor and pronounce themselves four square in front of this program, because this is critical. We can cut others but we cannot cut this one. That is exactly what is wrong with this process. Every one of them is critical. We have got to start somewhere.

Mr. President, I started where President Clinton started last year when he said we can cut it in half, that it was time to shift away from this program.

By the way, it is not just Sunbelt mentality. Even in my State people receive funds for weather-stripping and air conditioning support, just to show how ridiculous the program has gotten.

We could all use the help, of course, but we have to start somewhere. I just ask this question, Mr. President, if we are not ready to start with this one, we are not ready to start with the other ones we voted down today, where are we willing to start to cut this $1 trillion budget deficit? We have to start somewhere.

The PRESIDING OFFICER. All time has expired.

Mr. SPECTER. Mr. President, I ask unanimous consent for 1 additional minute.

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

Mr. SPECTER. Let me respond briefly to the Senator from Arizona.

We have made very substantial cuts in this program. And when he says that this is an illustration of, if we do not cut here, where are we going to cut, our job is to establish priorities. That is our responsibility.

The Appropriations Committee met its responsibility and we cut other less-important programs. So we agree with the Senator from Arizona that the budget has to be cut, the budget has to be balanced, the deficit has to be cut, that it is a matter of priorities.

I think when all of the Senators came running to the floor here to speak for the enormous amount of 90 seconds, they did so because of their very deep concern for the program and this is a priority item which ought to stay. I thank the Chair.

Mr. KENNEDY. Mr. President, I oppose the Kyl amendment, which would eliminate the Low-Income Home Energy Assistance Program.

Over 6 million people received aid with heating costs under the Low-Income Home Energy Assistance Program last year.

In Massachusetts, LIHEAP served 143,000 households in 1994. It provided especially needed relief in the winter of 1993–94, which was extremely harsh.

Seventy-two percent of the families receiving LIHEAP have incomes below $8,000. These families spend an extremely burdensome 18 percent of their incomes on energy costs, compared to the average middle-class family, which spends only 4 percent.

Nearly half of the households receiving heating assistance are comprised of elderly or handicapped individuals.

Researchers at Boston City Hospital have documented the ''heat or eat effect''—higher utility bills during the coldest months force low-income families to spend less money on food. The result is increased malnutrition among children.

The study found that almost twice as many low-weight and undernourished children were admitted to the Boston City Hospital emergency room immediately following the coldest month of the winter. Low-income families should not have to choose between heating and eating.

But the poor elderly will be at the greatest risk if LIHEAP is terminated, because they are the most vulnerable to hypothermia. In fact, older Americans accounted for more than half of all hypothermia deaths in 1991.

In addition, elderly households are 28 percent more likely than all households to live in homes built before 1940. These homes tend to be less energy efficient than newer homes, placing the elderly at greater risk.

Many low-income elderly who have trouble paying their energy bills substitute alternative heating devices—such as room heaters, fireplaces, and wood burning stoves—for central heating. Between 1986 and 1990, heating equipment was the second leading cause of fire deaths among the elderly. In fact, the elderly were 2 to 12 times more likely to die in a heating related fire than adults under 65.

LIHEAP is not only vital for low-income Americans, it also benefits communities as well. As Robert Coard, president of Action for Boston Community Development, wrote in a Boston Globe editorial last month, that LIHEAP—

> * * * employs large numbers of community people who may have trouble finding work in industries requiring sophisticated high-technology skills. Many are multilingual—a major asset for this program. The oil vendors who work with the program include many mom-and-pop businesses that depend on fuel assistance to survive. The dollars spent go right back into the economy.

The winter of 1993–94 was especially harsh. In January, the temperature in Boston averaged 20.6 degrees. At the same time, the price of oil rose to meet the increased demand for heating assistance.

If Senate Republicans are serious about helping the elderly, they will preserve funding for the Low-Income Home Energy Assistance Program and stop raiding the wallets—or in this case the furnaces—of those who need help the most.

I urge my colleagues to defeat the Kyl amendment.

Mr. KYL. Mr. President, I ask unanimous consent to address the Senate for 30 seconds.

Mr. FORD. Mr. President, I reserve the right to object. We could go back and forth, and we have Senators standing here who have been standing here the whole time to bring up their amendments. I will not object to 1 minute, but after that——

Mr. KYL. Mr. President, 30 seconds. I just wanted to close the debate that I began, if I could.

Reasonable people will differ. The House of Representatives trimmed us by $1.3 billion. It seems to me that they represent all regions of the country just as much as Senators do.

I do not doubt the sincerity of anyone who speaks in here. But I do doubt the Congress' commitment if we cannot start with a program like this. And I hope that when the conference meets, we will rescind more.

The PRESIDING OFFICER. All time has expired. Under the previous order, the Senator from Nevada is recognized to offer an amendment.

AMENDMENT NO. 438 TO AMENDMENT NO. 420

(Purpose: To restore $14,700,000 of the amount available for substance abuse block grants)

Mr. REID. Mr. President, I send an amendment to the desk on behalf of Senator BRYAN and myself and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mr. BRYAN, proposes an amendment numbered 438 to amendment No. 420.

Mr. REID. Mr. President, I ask unanimous consent further reading be dispensed with.

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

The amendment is as follows:

On page 14, between lines 12 and 13, insert the following:

NUCLEAR WASTE DISPOSAL FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $14,700,000 are rescinded.

On page 28, strike lines 18 through 23.

Mr. REID. I further ask, Mr. President, there is about 3 minutes extra on this time block. I ask unanimous consent that the time equally divided for the first amendment I will offer, instead of 40 minutes be about 43 minutes, 44 minutes, whatever is left.

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

The time will be 43 minutes equally divided between the two sides.

Mr. REID. Mr. President, this amendment is very direct and to the point. This year, the money for developing a permanent repository for the disposal of civilian nuclear waste has increased by $130 million, to where it is now almost $400 million to dig a hole in the

ground in Nevada. $400 million for 1 year. They have not spent all that money, of course. They cannot spend all the money, of course.

What this amendment says is, ''Let's take part of that money and put it in a program that I think is extremely important.'' This, Mr. President, would take the money from the nuclear waste, $14.7 million, and replenish the money that was deleted from a program that benefits every person in this body—every Senator in this body and every Member of the House of Representatives.

It is a substance abuse block grant. Let me, Mr. President, talk a little bit about what the substance abuse block grant does, and then I ask my colleagues whether the money should be spent for these purposes or whether the money should be spent for digging a hole in the ground and spending $400 million in the State of Nevada.

Mr. President, I am not saying they should not spend money. They will spend hundreds of millions of dollars. I am taking only $14.7 million from almost $400 million. That is what I am doing, replenishing a program that is tremendous.

I am going to talk about some of the benefits of the substance abuse block grant money in the little State of Nevada. Little in the sense that there are not many people there.

However, Mr. President, the program in the State of Nevada funds 26 community-based nonprofit agencies. In 1994, approximately 7,000 individuals received treatment ranging from detoxification to long-term residential care.

An additional 9,000-plus individuals were served in civil protective custody programs. An estimated 2,000 individuals will be placed on treatment waiting lists because they simply do not have rooms for them during the year. Those waiting at any point, 37 percent of them will have been waiting for far over a month.

What we need to keep in mind is that substance abuse treatment money that I am going to talk about, Mr. President, is money that is spent. We will save untold millions of dollars in spending these moneys.

It saves lives, restores hope. In Nevada, substance abuse is a primary factor in 55 percent of child abuse investigations. Over half of the child abuse investigations, when they are investigated, we find are a result of some kind of substance abuse.

Mr. President, I am talking about Nevada. There are programs like this all over the country. The Family Preservation Program funded by the Bureau of Alcohol and Drug Abuse accepts 42 families.

Mr. President, 100 percent of these families would lose their children due to abuse or neglect, unless a parent is willing to participate in the intensive day program.

The reason I mention this is that we know that it costs about $40,000 a year on an average to keep a kid in a reformatory—$40,000 a year. This whole program in the State of Nevada costs $85,000. If we keep two kids out of prison, out of a reformatory, we have made the nut, so to speak. And then it is gravy for the remaining 42 families. And some of these families, of course, have more than one child. Thus foster placement is not necessary.

First, let me say this. I have said the parents have to be willing to participate. If they do not participate in the program the kids are taken from them. This program has a 90 percent success rate 1 year after treatment. That is tremendous. In other words, foster placement is not necessary in 90 percent of the families who go through intensive treatment. Those of us who know about foster care, we know it is a lot better than nothing but it is not as good as a parent. That is what this program does, is allow parents to maintain contact with their children. This $85,000 investment of treatment averts $2 million in foster care money alone—foster care costs.

Mr. President, I ask if the Chair would advise the Senator from Nevada when he has 5 minutes remaining on this amendment.

Mr. President, another successful initiative is something we have in Reno, NV, called Ridge House, a program for ex-felons. Ridge House tracked reincarceration for individuals in the program they serve, and found the program has a recidivism rate of 22 percent—not in a 1-year period. We usually hit our good statistics the first year. After 3 years, a 22 percent return rate, so to speak. The average is about 80 percent. This program is 400 percent better than if we did nothing.

This is significant because again we are talking about a 3-year program. It is not the first year—things are usually pretty good the first year. It is a 3-year program with a little over 20 percent recidivism rate when nationally it is almost 80 percent. The success of this program means that 78 percent of the ex-felons served have not re-offended, have jobs, and are contributing members of society 3 years after treatment.

In 1993 the Ridge House served 32 individuals at a cost—listen to this—of $945 an ex-felon served. The annual budget of these 32 individuals would not keep a person in prison for a year.

A study at Saint Mary's, which is a Catholic hospital, a wonderful facility in Reno—they did a chemical dependency program study. They evaluated their health care situation for the year before and the year after treatment. These statistics are staggering. And we have to determine tonight whether we are better spending the money digging a hole or putting it in programs that save lives and protect families. The study showed that emergency room visits were reduced by 62 percent for people who were in the program, and health care costs were reduced by 73 percent. This demonstrates that other health care costs are reduced when treatment is available and accessible.

Moreover, results of a pilot outcome study conducted by the University of Nevada Institute For Applied Research found a significant reduction for those presently awaiting charges, trial, or sentencing 3 months after discharge from treatment compared to before treatment. So what we are saying is that those people who are part of the program do a lot better by a significant number. The study also found that the average net income doubled when comparing pretreatment to 3 months after discharge.

These programs and these studies show one of the most important elements of substance abuse is treatment, especially within the context of this debate. Mr. President, I voted happily last year to spend $11 billion for new police officers; $11 billion for new prisons, prison facilities. I am talking here about restoring some of the money that is being rescinded for programs that will not keep people in jail. We will not have to hire new police officers. All we are talking about is not digging a hole in the ground quite as deep, maybe—in fact if they spend the money, although it has been proven it is one of the most wasteful programs in the history of America. We are taking $14.5 million approximately out of a $400 million program to restore these moneys.

Another important function of the substance abuse block grant is the prevention program it funds. The Nevada Bureau of Alcohol and Drug Abuse funds 100 sites around the State, including programs that would not exist any other way in rural Nevada. These programs serve in excess of 10,000 people. Nevada has adopted a risk and resiliency framework which emphasizes funding programs which reduce the risk factors associated with alcohol and other drugs, and programs which strengthen the resiliency or protective factors.

One of the most successful preventive programs is something called HACES, which stands for Hispanics Assisting the Community with Excellence for Students. Mr. President, listen to this. This program works only with high-risk Hispanic students and includes Saturday workshops along with community work. Students can only participate on Saturdays if they have missed no school during the week. Parental involvement is required.

What were the results? Staggering. Compared to a control group, school absenteeism was reduced by 73 percent and the dropout rate was 75 percent lower. One of the largest dropout rates of any ethnic group in America is that of Hispanics. All over the country, it is a fact. In this program we have a 75 percent lower dropout rate. How can anybody not vote for this?

Satisfactory academic progress occurred in 94 percent of the students, and student interest in higher education increased by 300 percent.

Perhaps one of the best side effects of the program for these young people,

though, is something we could not measure in statistics. I cannot tell you what we know it does to self-confidence, what it does to self-esteem. The total program cost is equal to half of what it costs on average in our country to keep an inmate in prison, about $15,000.

So how can we afford to cut funding to these successful and what I believe are essential programs? The impact of drug interdiction efforts on the rate of substance abuse in our country can be debated at great length. I believe in interdiction. I believe in prison. I believe in more judges. I believe in more police officers. And I voted accordingly. But let us do something about some of these preventive programs.

I have given statistics from the State of Nevada. Multiply these with the State of Kentucky, the State of Delaware, the State of Pennsylvania. They are staggering. I invite attention to those.

The program we are taking money from is a program we can afford to cut down by a fraction of a percent. From approximately $400 million that we have in that fund for this year, 1995, we want to take $14 million from it. That does not sound out of line to me, especially when we keep in mind the budget from which I want to restore these $14.5 million was increased by $130 million.

So, this is not going to cripple the Yucca Mountain Project. It will not delay a solution to interim waste storage. This is prudent management of the taxpayers' money.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. REID. Mr. President, I ask unanimous consent, in that it does not appear at this stage that anyone is here to debate this—and I am sure they will show up—but I ask in fairness to me that I reserve my time and that the time toll against the other side on this amendment.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. Mr. President, let me make this suggestion, if I may. I suggest the absence of a quorum and it be charged to the opposition.

Mr. REID. The Senator is absolutely right. I should have done that.

The PRESIDING OFFICER. Without objection, the time of the quorum call will be counted against the Republican time.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. 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. BYRD. Mr. President, I see no Senators seeking recognition.

Mr. REID. Mr. President, if I could say, through you, to the Senator from West Virginia, the order now is that the time running under the quorum has been charged to the other side. I ask that continue during the remarks.

Mr. MURKOWSKI. Mr. President, may I make inquiry?

Mr. BYRD. Either that or I could ask unanimous consent that it not be charged against anyone.

Mr. REID. We have a time certain on a vote.

Mr. MURKOWSKI. Mr. President, it is my understanding that the time is running and being charged against our side.

The PRESIDING OFFICER. That is correct.

Mr. MURKOWSKI. How much time remains?

The PRESIDING OFFICER. Sixteen minutes 6 seconds.

Mr. MURKOWSKI. We would like to reserve some time to speak against the Reid amendment. I would like to accommodate the senior Senator from West Virginia as well. I wonder how much time he would intend to take. I have no objection to splitting the time. But if it going to come off our side, then I would ask for some consideration.

Mr. BYRD. Mr. President, I do not want to discommode either side. I could delay until another day to do the speech. I wanted to speak with reference to Mr. HEFLIN's retirement. I thought in view of the fact that nothing was transpiring I might be able to use that time. But it really is all right with me if Senators prefer that I not do that.

Mr. MURKOWSKI. If I may respond, I, too, would enjoy hearing a little reference to Senator HEFLIN very much. Perhaps, if I may inquire again. There is no time on the other side on this amendment. Is that correct?

The PRESIDING OFFICER. The Senator from Nevada has 7 minutes 39 seconds.

Mr. REID. I had 9 minutes a little while ago.

The PRESIDING OFFICER. The time has been running.

Mr. MURKOWSKI. I wonder if the senior Senator from West Virginia will allow me to speak against the amendment. As chairman of the Energy Committee I take the opportunity to do so, and I would be happy to yield the remaining time to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, I am very sensitive to the concerns of the Senator from Nevada about the issue of nuclear waste policy. However, I must rise in opposition to the amendment because I honestly feel a trust is about to be broken if indeed funds that have been collected by America's nuclear utility system for the benefit of a specific purpose of establishing a repository for this Nation's nuclear waste are used for a purpose other than intended.

It is my understanding that the amendment offered by the Senator from Nevada does just that, that $14,700,000 of funds that were collected by the utilities from the ratepayers are to be used for a purpose other than that which is intended. In 1982 when Congress adopted the Nuclear Waste Policy Act, it required the Department of Energy to build a repository that could accept spent fuel from commercial nuclear reactors at a repository by the year 1998. Unfortunately, that commitment has not been made nor directed by Congress. However, the DOE entered into contracts with the Nation's nuclear utilities under which the Department collected a fee of one-tenth of 1 percent per kilowatt-hour on electricity generated by nuclear energy in return for a commitment to accept waste beginning in 1998.

If the Reid amendment passes today, that commitment will be broken. The fee is collected by utilities from their ratepayers in their monthly bills and it is placed in a special Nuclear Waste Fund in the Treasury. The fund receives over $½ billion per year from collections and $300 million per year in interest on the unobligated balance. At this time the fund has a balance of $4.9 billion.

The Department of Energy has acknowledged that they will be unable to meet their obligations to begin accepting waste in 1998. For this reason, the Committee on Energy and Natural Resources is considering legislation to restructure the nuclear waste program so that the Government will not have to default on its contractual obligations to the American people.

I cannot now tell you exactly what that form of nuclear waste disposal program will take and what it will consist of. However, I know for a fact that it will be very expensive. The Nuclear Waste Fund was collected from the Nation's ratepayers for the specific purpose of disposing of spent nuclear fuel. It cannot be allowed to be used for any other purpose, and that specifically is what the Reid amendment will do.

So I must stand in opposition to the amendment.

I see no further Senator wishing to speak. I would accommodate the senior Senator from West Virginia, and yield the remaining time that we have on this side.

The PRESIDING OFFICER. Is the Senator yielding the remaining time to the Senator from West Virginia?

Mr. MURKOWSKI. I have been advised that there is a Senator from this side who wants to be heard on this issue, the senior Senator from New Mexico. So I must advise my friend from West Virginia that I must reserve the remainder of my time.

Mr. BYRD. Very well. I understand.

Mr. President, I ask unanimous consent that I may speak on another matter and that the time not be charged to anybody; that I speak out of order.

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

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Reserving the right to object—and, of course, I will not object, I am wondering how long the Senator intends to speak, approximately?

Mr. BYRD. I do not think I will go beyond 15 minutes.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

SENATOR HOWELL HEFLIN

Mr. BYRD. Mr. President, on October 28, 1919, the National Prohibition Act, also known as the Volstead Act, was passed by Congress over President Wilson's veto of the previous day. The act defined as intoxicating, any liquor containing at least one-half of one percent alcohol, and provided for enforcement of the provisions of the Eighteenth Amendment.

This singular event was to usher in the colorful era of the 1920's, with its flapper girls, its bathtub gin, and its legendary mobster figures. In 1920, the U.S. Census recorded a population of 105,710,620. The center of the population was judged to be 8 miles south, southeast of Spencer, in Owen County, Indiana. In 1920, for the first time, the total number of farm residents dwindled to less than 50 percent. It was a very different world.

This was the age into which, on June 19, 1921, HOWELL HEFLIN was born. The son of a Methodist minister, Senator HEFLIN is then, the child of a slower, more rural America—the kind of America into which I was born 4 years earlier—an era when there was always time to appreciate charm and wit in individuals and careful, considered, judgment in leaders.

Will Rogers came to prominence in the 1920's. Radio flourished as an entertainment medium in the late 1920's and early 1930's. It was an era when events and ideas were savored, talked about, discussed on the front porch and over the Sunday supper table. The humor was more wry than malicious, and taking a day or two to think about something was considered the norm. HOWELL HEFLIN is a product of those times, and a product of the South and his beautiful home state of Alabama.

His temperament is uniquely suited to the judiciary. He thinks about things carefully. HOWELL turns things over in his mind to see how they look from all sides. He speaks slowly. He measures his words, and he spices his statements with rich Southern tales and the folksy lore of Alabama.

And HOWELL HEFLIN'S life has been nearly as rich and varied as his mannerisms and his speech. He graduated from Birmingham-Southern College and the University of Alabama Law School in 1948. This was the beginning of HOWELL'S fabulous legal career in Alabama. HOWELL HEFLIN went on to become President of the Alabama State Bar in 1966. He took the oath of Chief Justice of the Supreme Court of Alabama in 1971, and, in 1975, Judge HEFLIN was selected the most outstanding appellate judge in the United States. When HOWELL left the bench in 1977, there was no congestion and no backlog of cases in any of Alabama's courts, either trial or appellate. In 1978, HOWELL HEFLIN went on to cap an already notable career with election to the United States Senate.

Now serving his third and final term in the Senate, Senator HEFLIN is surely one of the most beloved Members of this body. He is a man to be trusted. He will take on a difficult task and bring it to conclusion with honor. HOWELL HEFLIN will not rush to judgment. I have tried to get him to on a few occasions, but I could not get him to rush to judgment. He does not leap to conclusions, or bow to pressures. It was for those reasons that I, as majority leader, appointed him chairman of the Senate Ethics Committee, a job that is anything but coveted in this body, but which demands unusual qualities of character and honor. And HOWELL HEFLIN is an honorable man. I am sure he did not enjoy the task, but he was perfect for the job because he is impeccably honorable as few men are.

Yet HOWELL HEFLIN is never pompous, never self-important, never ponderous or heavy with his viewpoints or pronouncements. He colors it all with his legendary humor, putting a light and artful touch on nearly everything with which he is involved. I have so wondered at the genesis of this delightful quality in Senator HEFLIN that I recently did a little background research on an uncle of HOWELL'S, Senator Thomas J. Heflin, who served the State of Alabama in the U.S. Senate in the 1920's. I find that the delightful sense of humor appears to have genetic roots.

I now read from volume II of my own history of the United States Senate. And I read from page 137. I read from the chapter on filibusters. There was a filibuster going on in 1922. It had to do with a bill which was being filibustered by certain Senators in late February.

> By late February, there was no longer any doubt that the obstructionists could and would keep the filibuster going until sine die adjournment at noon on March 4, throttling other legislation in the process. In the face of this threat, Senator Jones and the administration forces capitulated on February 28 by moving to take up a so-called filled milk bill, thus displacing the ship subsidy bill. In the words of Alabama Senator J. Thomas Heflin, the ''miserable measure'' had ''gone to its long, last sleep.'' It was ''already dead.''

That sounds very much like HOWELL HEFLIN.

And on page 138, we read of another filibuster that was occurring in the spring of 1926. This was

> . . . a filibuster was conducted against legislation for migratory bird refuges, but the bill died after an effort to invoke cloture failed. Legislation for development of the Lower Colorado River Basin suffered a similar fate when, on February 26, 1927, cloture was rejected by a vote of 32 to 59. Two days later, however, the Senate did invoke cloture on a Prohibition reorganization bill, although a final vote on the bill was delayed for almost two days by the opponents of a resolution extending the life of a committee that was investigating charges of corrupt senatorial elections in Illinois and Pennsylvania. As Franklin Burdette, author of the study of filibusters, observed, ''filibusterers against one measure had been able to make cloture against another serve their purposes for nearly two days!'' At one point, Senator J. Thomas Heflin of Alabama—who, incidentally, was—

As I say, in my book

—an uncle of our own colleague and friend from Alabama, Senator Howell Heflin—ridiculed ''obstreperous Republican filibusterers''—

This is Senator J. Thomas Heflin talking

—ridiculed ''obstreperous Republican filibusterers'' for obstructing action on the resolution for campaign investigations. ''You are saying in your hearts,'' he declared with fine sarcasm:

Committee, spare that campaign boodle tree,

Touch not a single bow;

In election times it shelters me,

You must not harm it now.

Well, I can just hear HOWELL HEFLIN saying that. That is just about the way he would say it, except he would say it better than I said it.

I can hear Senator HOWELL HEFLIN saying something very much like that right today, should the proper kind of vexation come along.

I salute my friend and colleague, and I regret his decision to leave this body. I salute him for his character, for his wit, for his steadfast determination to follow his own star, to refuse to be hurried, to study and to deliberate until he is satisfied and at peace with his conclusion. I salute him for taking his time in a world which demands that everyone hurry. I salute him for his courage. This is a man who will be himself, and there is certainly no one else he would rather be. He is an Alabama original, and I regret that, in not too many months, Alabama will reclaim him.

But we here in the Senate will have enjoyed his wit, benefited by his wisdom, and been inspired by his integrity when that time is come. And just as we are certain in our knowledge that all excellent things must come to a close, we will not begrudge him his time to go home, to be with his lovely wife, Mike, and to contemplate with peace and pleasure the seasons' change in the rolling hills of Alabama.

My wife, Erma, and I join in these warm felicitations for HOWELL and his wife, Mike.

Nature's first green is gold.
Her hardest hue to hold.
Her early leaf's a flower;
But only so an hour.
Then leaf subsides to leaf.
So Eden sank to grief,
So dawn goes down to day.
Nothing gold can stay.

Mr. President, I yield the floor.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

Mr. MURKOWSKI. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Alaska has 12 minutes 5 seconds.

Mr. MURKOWSKI. I think the Senator from New Mexico wants to speak and the Senator from Idaho wants to speak. May I ask how much time he would like? There are 12 minutes remaining.

Mr. DOMENICI. Senator CRAIG wants 2 minutes. I will take the other 10. I may not use it all.

Mr. MURKOWSKI. I am happy to make that accommodation. The Senator from New Mexico has 10 minutes, and there are 2 minutes remaining.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 10 minutes and the Senator from Idaho has 1 minute 31 seconds.

Mr. DOMENICI. Mr. President, I yield myself 5 minutes of that time, so the Chair might advise me, if you would.

I was not here when my friend from Nevada argued this matter, but let me suggest to the U.S. Senate that this is not an issue tonight of whether we ought to spend money on programs to which the distinguished Senator from Nevada wants to add money.

What we are talking about tonight is a very basic principle of fairness and equity to a large number of ratepayers, utility ratepayers across America, many in the State of the present occupant of the chair, Pennsylvania, some in almost every State in the East, because wherever there is nuclear power, there is a small percentage attached to their bills that goes into a nuclear waste fund.

Mr. President, by law, that money is supposed to be used by the U.S. Government to make sure that we prepare and implement and open a nuclear waste repository as the final destination of the end of the nuclear fuel cycle, wherein waste will be put forever.

Whether that was prudent or not is irrelevant. The truth of the matter is that millions of ratepayers have been putting the money in that account.

The Congress of the United States decided that we needed to make sure that that money was spent properly. So we did not just set the trust fund out there and say, ''Have at it, Department of Energy, use it for nuclear waste disposal implementation program or plan.'' We said, ''Let's appropriate what they need annually from that fund.''

Frankly, the utilities are clamoring, they are coming to see me as chairman of this subcommittee saying, ''Don't appropriate the money anymore.'' They are saying, ''Make it an entitlement and let us and the Department of Energy spend it as we may.''

We have refused as a Congress, and I can tell the Senate, I have stood there saying I will refuse to do that, I will raise a point of order under the Budget Act. We must control that money.

Now plain and simple, we have appropriated money for the nuclear waste disposal activities in the State of Nevada. Senator REID, a dear friend of mine, has resisted the nuclear waste disposal activities in his State. And if I were he, I would do that.

But the point of it is, we do not even have enough money appropriated now to carry on the research and site characterization for which that fund was allocated and set up in trust. But because we have appropriated some of the money and it is appropriated for the year 1995, along comes Senator REID who would like very much, I assume, to tell the people in his State, and if I were he, I would do the same, I have taken some money away from that nasty activity that we do not want in our State anyway, but the Congress has said, that is the State, that is the site.

Tonight, just a little bit, he would like to take $13 million of that appropriated money, and it is really kind of a unique appropriation because it could just as well have been left in trust and spent only for that purpose, but we decided to control it through appropriations.

Now, why should the Senate of the United States, in a rescission bill, take money out of that trust fund that has been appropriated for that purpose and spend it on any program? I am not even going to debate whether the programs he wants to fund are good programs. I am not even going to debate whether they are good programs that he would like to add money to. Knowing the distinguished Senator, they are probably good programs that, somehow or another, he ought to find money for, if he thinks that money should be added to them. Maybe if he finds it someplace else, the Senate will vote for it.

But I hope tonight we will not send a signal to the millions of utility users in America who paid a surtax, a little piece of their utility bill, and put it in a trust for nuclear waste disposal and all of a sudden find themselves tonight, in the U.S. Senate at 10 minutes of 9, and we are going to take $13 million of that fund and pay for some social programs that may be needed.

It is the wrong thing to do, the wrong way to legislate. I regret to say that as much as I respect the senior Senator from Nevada, this really should not be something that we should ask the U.S. Senate to do. There ought to be a resounding ''no.'' That money is not for this. It was never intended for this. If you do not use it for nuclear waste disposal, set it there until you find a nuclear waste activity that you can use it for. We are spending billions of dollars to try to make the site the right one and use it properly, and we still do not know how much it is going to cost. Would we not look foolish if, in hindsight, we said all of that is true, but we tonight plucked $13 million out of it and put it into some social programs that somebody thinks we need?

I yield the floor. Senator CRAIG wants to speak on the issue, and I welcome his remarks.

Mr. CRAIG. Mr. President, I, too, stand in opposition to Senator REID's amendment this evening. I think the Senator from New Mexico and the Senator from Alaska, who is chairman of the Energy and Natural Resources Committee, has outlined very clearly what this money is intended for, where it comes from, and the commitment of the U.S. Congress to the ratepayers of a variety of utilities around the country, that we would use this money in a responsible fashion to attempt to site and develop a permanent repository for high-level nuclear waste.

I do not blame the Senator from Nevada for being concerned that the Congress of the United States chose Nevada—Federal land in the State of Nevada for that waste to be located on. This money is now going for the purpose of siting. But to pull it off into substance abuse would not only be an embarrassment for this Congress to all of the ratepayers, it would just flat be wrong.

The citizens of my State have something at stake here. We have nuclear materials that would be destined for Yucca Mountain in Nevada if it were to become a permanent repository. But I tell you now, Mr. President, when we have the kind of money that the ratepayers of this country are now paying, in the billions of dollars, for the purpose of establishing a permanent repository for high-level nuclear waste, and to play games with it on the floor of the U.S. Senate is to break a commitment and to break a resolve that this country has to have to deal with nuclear waste in a responsible fashion for all of our people, not just for the States that have nuclear reactors generating nuclear electricity, and the repositories and the waste materials that are building up there. This is a national commitment. It ought to be directed to where it was dedicated, to the pledge of this Congress, and not sapped away, pulled away for the purpose of substance abuse. It makes no sense.

I hope the Senate will oppose the Reid amendment.

Mr. REID. How much time does the Senator from Nevada have, Mr. President?

The PRESIDING OFFICER. The Senator from Nevada has 7 minutes 20 seconds. The Senator from New Mexico has 2 minutes 47 seconds.

Mr. REID. Mr. President, I am glad he has 2 minutes, but how does that work?

The PRESIDING OFFICER. The Senator from New Mexico did not use his entire 10 minutes.

Mr. REID. Mr. President, we would look foolish tonight if we in fact did not do this. All the money, the $393 million, is not all ratepayers' money.

Even if it were, it is appropriated dollars. We have the right as a Congress to do with those moneys what we want, or it would not be appropriated. The only games being played, I say, Mr. President, are with the utilities and these dollars. I have gone over very clearly and closely what this money would be used for. I think the fact that I went over the one program called HACES, where the Hispanic students' rate of dropout was lowered by 75 percent; their absenteeism, 73 percent; their interest in higher education increased by 300 percent; satisfactory academic progress reported in 94 percent of the students.

The fact of the matter is, these programs work. We should give this money to people who need it. We are talking about cutting nuclear waste money for the year 1995. They cannot spend all that money anyway. They increased it $130 million this year, a total of $393 million, almost a half a billion dollars. We are asking to take less than 3 percent of that money and put it into programs that save people's lives, save the family structure, help neighbors and friends, keep people out of prisons, out of welfare programs, help our educational system. This money will come back to us a thousandfold, if not more.

These programs work. We talk about an investment of $85,000 in foster care costs. The family preservation program. These programs serve, as I indicated, families—42 families in Nevada—and 100 percent of these families lose their children if they do not comply with the program. We found that the program had a 90 percent success rate.

So I say, Mr. President, I think if we should talk about the merits of what we are doing here tonight, not some abstract thing about the ratepayers and nuclear waste. They need the money. One of the biggest, most wasteful programs in the history of America is a program that started out to cost us $200 million and is now up to an estimated $7.4 billion. We are talking about taking $14.7 million and giving it to a program that saves lives, lives of real human beings.

These are not programs that some bureaucrat in Washington said, ''Let us see if they will work.'' I have given statistics to the U.S. Senate tonight to indicate why the programs have worked and how it is a terrible thing that this Congress is going to say these programs are gone. We are going to wipe out these programs.

So I say, for this small amount of money, we would look foolish if we did not do it. And we would be playing games if we did not give needy people programs that save money. This is a taxpayers' relief amendment, Mr. President.

I hope this will receive bipartisan support. This is not a partisan matter. This is a matter that relates to the welfare of people throughout the United States.

I reserve the remainder of my time.

Mr. DOMENICI. How much time does Senator REID have?

The PRESIDING OFFICER. The Senator has 3 minutes 28 seconds.

Mr. DOMENICI. How much does the Senator from New Mexico have?

The PRESIDING OFFICER. The Senator has 2 minutes 47 seconds.

Mr. DOMENICI. Mr. President, I will use a minute and a half of my time and ask that the remainder be reserved.

There are 109 nuclear reactors in the United States—67 sites in 32 States. By the year 2030, all these reactors will have completed their initial 40-year licenses. The total cumulative discharge from these 109 reactors, some of which are shut down, will total 85,000 metric tons of radioactive waste. The trust fund that is set aside by the ratepayers who use that energy, that nuclear energy, is not taxpayers' money. Let me repeat. It is not taxpayers' money. It is trust funded to see if we can find a way to, in a safe manner, get rid of this nuclear waste, either for long periods of time, or permanently.

It does not matter very much whether there is a social program that works well. I will attest that the programs he is alluding to are working better than the nuclear waste disposal programs. Anybody will say that. We are in the midst of trying to find out how to do it. To take $13 million out and say we have a good program going and take it from the ratepayers of Missouri, Pennsylvania, and New York, who have nuclear activities, is just not right.

I reserve the remainder of my time.

Mr. REID. Mr. President, 109 new nuclear reactors do not make up the importance of one human life. We are dealing with real people, families, children, friends, neighbors, aunts, uncles, children, tragedies like the loss to Carol O'Connor we read about in the newspaper today.

Rehabilitation programs, some of them work. We have programs that really work. Nuclear waste disposal is not going to be affected as a result of this. We are taking a pittance into real programs. We should continue to do that, Mr. President. We are talking about equity and fairness for ratepayers.

We live in a world of polls. I bet we could take a poll of the money that is in this fund, and most of it is in from ratepayers, and that money, if we ask the ratepayers whether they would have the money digging a hole in Nevada or saving one kid, I guarantee how the poll would turn out.

I submit to this body that this is a vote for equity and fairness. We are rescinding $14.7 million that goes into saving lives, making streets safer, and in the long run and short run saving this country 1,000 times what we invest with $14.7 million in lower cost for education, lower cost for welfare, lower cost for law enforcement.

We should pass this amendment.

Mr. MURKOWSKI. Mr. President I yield myself 30 seconds. I would like to remind my colleagues that the U.S. Government has made a solemn compact with customers of these utilities.

As the Senator from New Mexico said, and he was absolutely correct, it is not the taxpayers, it is the recipients who participated through their utility bills, and they pay into this nuclear waste fund.

The Federal Government must use these moneys only for the purpose of taking care of nuclear waste. That is a trust that was entered into. It is up to the Government and this body to honor that trust.

Mr. DOMENICI. Mr. President, a vote for the Reid amendment is a vote to say that the 32 States which have accumulated high-level nuclear waste are not concerned about how we will take care of that. We are just going to take $13 million that ought to be used ultimately for them, those 32 States, and spend it on two social programs that may or may not be working, but seem to not be the issue before the Senate.

The PRESIDING OFFICER. Senator REID has 1 minute 54 seconds.

Mr. REID. Mr. President, we will talk about the equity. I hope this does not become a partisan issue. The people being served by the substance abuse programs are not Democrats and Republicans. They are people who are, many times, causing significant problems throughout their neighborhoods, throughout the States. If these programs are cut, it will be more crime, more welfare dependence, and more problems with our educational system.

The Ridge House Program, as I indicated, tracked reincarceration for individuals and found the program had a recidivism rate of 22 percent after 3 years. That is as much as 400 percent lower than people not in this program.

This is a program where we should not rescind the money. We should restore the money that was appropriated last year because it is good for people. I yield the floor.

The PRESIDING OFFICER. All time has expired.

Mr. DOMENICI. I move to table the Reid amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

Under the previous order, the voting sequence will occur at a later time.

Under the previous order the Senator from Nevada is recognized to offer an amendment.

AMENDMENT NO. 439 TO AMENDMENT NO. 420

(Purpose: To restore $3,750,000 of the amount available for rural health research and $1,875,000 of the amount available for rural health outreach grants)

Mr. REID. Mr. President, I say to my friend from New Mexico, he should be aware I have another amendment where I am going to go after the same money, and the Senator should be aware we might be able to cut down the time because the argument is basically the same as to a different subject.

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID], proposes an amendment numbered 439 to amendment No. 420.

Mr. REID. Mr. President, I ask unanimous consent further reading be dispensed with.

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

The amendment is as follows:

On page 14, between lines 12 and 13, insert the following:

NUCLEAR WASTE DISPOSAL FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $5,625,000 are rescinded.

On page 28, line 7, strike '', $42,071,000 are rescinded'' and insert ''for programs other than the rural health research program and the rural health outreach grant program, $36,446,000 are rescinded''.

Mr. REID. Mr. President, again, this calls for removing money from the Civilian Nuclear Waste Fund and placing it in rural health outreach programs. This, Mr. President, is $5.6 million.

Now, Mr. President, rural health outreach grants, what are they? Let me give an example of three we have in Nevada. Mount Grant General Hospital, Hawthorne, NV, Mr. President, is located in one of the most remote areas of the United States. Hawthorne, NV, was selected in the late 1920's after there was a huge explosion in a military ammunition depot in the eastern part of the United States. Hawthorne, NV, was selected because it was such a remote area.

Hawthorne, NV, to say the least, is remote. From the late 1920's until today there has been ammunition stored there. To fly over Hawthorne, NV, today, you would see hundreds and hundreds of these mounds and in each of them is explosives, ammunition.

It was the largest naval ammunition depot in the world. There was a decision made by the military to join all ammunition storage to the Army, and as a result of that it was no longer the largest ammunition depot in the military, but it is still real big, in a very sparsely populated part of the State of Nevada.

Part of these rural health outreach grants went to a consortium made up of a county hospital, a local Indian tribe, the Walker River Indians, and a senior citizens center to provide health promotion information to a county where there are about 6,000 Nevadans.

Though funded for less than a year, Mr. President, this program has provided seven programs throughout Mineral County on topics including sexually transmitted diseases, nutrition, pharmaceutical inquiry and health screening for senior citizens. Native Americans and other rural Nevadans have benefited from this program. This program will ultimately provide transportation services and adult day care where none now is currently available. Really an important program.

Why? Because it is a program, again, Mr. President, in part of the rural America that will save money. If we can, through education, teach people about disease and what happens with disease, and keep people—especially senior citizens—out of long-term care, we save lots of money. That is what this program is about.

Owyhee Emergency Medical Service. Mr. President, Owyhee, NV, the name came as a result of a group of trappers that went up in that area in the early part of the last century. They never came back. They were trappers from Hawaii. And Owyhee is a derivation from Hawaii. We have Owyhee River, Owyhee Indians. It is a very remote area.

It is so remote, Mr. President, that I was the first U.S. Senator to go to Owyhee. They remembered a couple of Nevada U.S. Senators getting within 25 miles, near of a reservoir, but I was the first to go there last September. It is a wonderful place, right off the Idaho border.

What we have in this very remote part of Nevada is a consortium of native American Indians and an Air Force base in the neighboring State of Idaho and a sheriff's department. It was designed to improve emergency medical services to a regional community which crosses State lines.

Emergency services are vital to this area, as you have about 100 miles of very mountainous roads from the nearest frontier care center and over 400 miles to the nearest tertiary level trauma center.

These are programs that really help. These are what the rural health outreach programs are. In Nevada, we have three programs.

The State of Nevada is an unusual State in the sense that about 70 percent of the people live in the Las Vegas area. It is a huge State, the seventh-largest State in the Union, but we have the most sparsely populated part of the United States but for Alaska in the northwestern part of the State. It is the most sparsely populated part of the United States except for Alaska.

In Las Vegas and Reno we have very up-to-date modern medical facilities, including ambulance service. But in these rural areas it is much like other parts of America. We have volunteer crews that serve in these rural areas. Mostly they are trained at the basic emergency medical technician level, and they ride most of the time outdated and marginally equipped ambulances and are typically hundreds of miles from even a rural or frontier basic level hospital. Remember, frontier is even more remote than rural, by definition.

Mr. President, 13 of Nevada's 17 counties are identified as health profession shortage areas.

Most people do not realize that Pennsylvania is a very rural State. A lot of places in Pennsylvania are remote. Most people, when they think of Pennsylvania, they think of Pittsburgh and Philadelphia. But Pennsylvania is a very rural State, much like Nevada in many instances. And rural Pennsylvania needs these Rural Health Outreach Grants that I guarantee are serving people very well and saving money for the people of the State of Pennsylvania, saving money for the taxpayers in Pennsylvania, and certainly taxpayers all over the country. Our miles may be a little longer in Nevada than Pennsylvania, but the problems are the same.

Mr. President, 25 percent of the people in America live in rural areas. They live in these areas and they need a mechanism to access primary health care, emergency care, and hospital systems. And the reason I think it is so vital we understand that these programs save lives is let us take, for example, one of the matters that would be covered in this nonrescission that I hope would occur that deals with rural health research funds, including rural telemedicine grants.

Rural telemedicine is not something that is abstract. What it means is someone in Battle Mountain, NV, could, through a television hookup at a health center in this rural community, be in contact with the Washoe County Medical Center, a first-rate medical center in Reno, NV. And a physician in Reno could be talking to a patient in Battle Mountain and watching that patient on television with a rural doctor present, and describing where they hurt, what the symptoms are. And that expert in Reno very likely could help that rural physician identify the problem. Or, if, after having gone through this procedure, separated by hundreds of miles, the physician in the major medical center says, I think you better bring him in, bring her in.

The fact is, this is going on in Pennsylvania. It is going on in New Mexico. It is going on in places all over America. If we do not put these moneys back that have been rescinded, these programs are going to be terminated. It will suspend or terminate the completion of telemedicine projects underway all across the Nation.

These are relatively new programs and these programs are not fluff. These are not programs, again, that some bureaucrat in Washington dreamed up. These are programs where there have been pilot projects in effect prior to our appropriating these moneys. We know they work and we know they save money. Again, if we can keep someone out of the hospital or long-term care settings we save money—Medicare, Medicaid, and private dollars. So we need to reestablish the Rural Health Outreach Grants that have been rescinded. Taking these moneys from the Civilian Nuclear Waste Fund is not going to affect the ratepayers. It is not going to affect the progress at Yucca Mountain at all. The other program was about 3 percent; this is about 1 percent of nuclear waste moneys for this year.

So I hope my colleagues would understand, again, that the program I wish to have the money restored to is a program that deals with people, with flesh and bones. The only thing, they do not live in the big cities. And we need in this modern era to allow them to be part of what is happening throughout urban America. They can do that with telemedicine and some of these other outreach programs.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from New Mexico.

Mr. DOMENICI. How much time do we have?

The PRESIDING OFFICER. The Senator from New Mexico has 20 minutes, the Senator from Nevada has 9 minutes and 20 seconds.

Mr. DOMENICI. The chairman of the Energy Committee, Senator MURKOWSKI, wants 2 minutes. I will not use all of my time, I say to the Senator. If he could consider using less than all of his time, I will yield back some of mine.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 2 minutes.

Mr. MURKOWSKI. Mr. President, again I must rise in opposition to the Reid amendment for the same reason prevailing on the previous Reid amendment. While the Senator from Nevada makes a very appealing case for the utilization of these funds, I must remind him again that there is a principle here, an underlying principle of trust, and that trust must be honored.

Mr. President, what we are talking about here again is a solemn compact, with the customers of these nuclear utilities who have paid amounts into the waste fund, that the Federal Government will use these moneys only for the purpose of taking care of nuclear waste.

We cannot meet other obligations, regardless of how worthy they might be. Diverting those funds is simply not fair to the customers of those utilities nor is diverting those funds fair to Americans everywhere.

This nuclear waste must be disposed of. It will not just go away. Without these moneys, the nuclear waste simply will not be cleaned up. It is an obligation we all have.

Mr. President, what the Senator from Nevada is proposing is making everyone else in America pay for the cleanup of nuclear waste that is basically already paid for one time by the ratepayers.

Further, there have been no hearings on this matter. We really do not understand the impact of the Senator's amendment other than it would void a portion of the funds that have been paid in by well-meaning ratepayers, based on the trust and confidence they have in the Federal Government to keep its word.

I am very concerned the Senator's amendment will do grave harm to the cleanup and the disposal of nuclear waste.

I yield back my time remaining to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, the ratepayers of the United States have paid over $8 billion into a trust fund. The money is supposed to be used to take care of nuclear waste. We have already spent substantial amounts, much of it in the State of Nevada, trying to prove up a site for permanent storage, that is the forever storage. There is now $5.5 billion in the trust fund.

Let me draw a couple of analogies for Senators. We appropriate for the administrative costs of Social Security from the Social Security trust fund. So now we have an appropriation bill for the 1995 year, and it has $542 million for the administrative costs of Social Security from the trust fund, paid in by workers and employers in America. Somebody comes to the floor and says, ''I have an amendment. There is a whole bunch of social programs we would like to take care of, so let us take part of this $542 million trust fund that we allocated to administer and manage Social Security and let us spend it for one of these two good programs that the Senator has in mind.''

What would happen? First of all, I do not think anyone would do it because it is Social Security trust funds.

Mr. President, this trust fund is owned by millions, just like Social Security, of ratepayers who are paying higher utility bills because they expect the money to be used to dispose of nuclear waste.

Mr. President, we appropriate highway user funds. So people pay gasoline taxes into a trust fund for highways. Then we have to appropriate to take care of the contract obligations. Would anyone come to the floor, and, as part of a rescissions package say, ''There is a lot of money in this trust fund for highways collected from the gasoline tax; there is a little more than we know how to use for the highways, so let us spend it for one of these two programs that the Senator has in mind?'' Actually, this trust fund that I am speaking of is a better case on spending trust funds improperly than either of the two that I have given you.

The Senator in combination would ask us tonight to take $20.325 million heretofore appropriated from this trust fund being used to proceed in as orderly a manner as we can put together for nuclear waste activities and spend it on two or three programs that the Senator can rightfully stand up and say, if you took the money out of there, it would do some good.

My final observation is this is about $5.5 billion left in this trust fund. Friends, we could just all figure out each year when we put this money into an appropriations mode, some social or welfare or citizen need, and we could come to the floor and say, I want to move it from that appropriation to this appropriation, and then give us a nice interesting litany and discourse on how well the program money would be used for these programs.

I choose tonight not to discuss the programs. Rural health care, no. We ought to try things. Perhaps that is what the Senator wants to do. And a few other programs. There are a lot of things we ought to spend money on. But we do not have the money, and certainly we do not have the money in the Nuclear Waste Fund to spend for this when it is already committed. We may not even have enough money in that trust fund.

Incidentally, Mr. President, we may have to go back to these ratepayers and say we have used your money, and we need some more. Will it not be nice to say, by the way, one evening in the Senate, we took $20 million away and spent it for something else?

I do not need any more time. I am prepared to yield back, and I do yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. REID. Mr. President, if I may respond, I recognize the time is arriving to 9:30. I would like to meet that deadline.

Mr. President, Senators tonight are acting as a court of fairness. What is the fair thing to do? We have talked about ratepayers. Let us talk about taxpayers. This $5.5 billion that is in this fund, we are talking about with this amendment taking $5.5 million and giving it to programs that benefit America, 25 percent of the people who live in places all over the country similar to the chairman of this committee—Alaska, Nevada. We think of those States as rural. But other States all over America —New York—have rural areas. We need to help rural Americans regarding their health care.

Mr. President, the chairman of the subcommittee raises a good point. What if people come here and want to spend $5.5 billion in some other program? I was very careful in selecting the programs where I am asking that the rescissions not take place. I could have picked WIC, Head Start, Safe and Drug-Free Schools, AmeriCorps, very large amounts. But I chose these very small extremely beneficial programs.

We tonight should be concerned about taxpayers, not ratepayers. We should be concerned about doing something that is going to save this country large amounts of money. And all the money that is wasted with the DOE, they will not even know this is gone, $130 million additional moneys the year, 1995, a total of almost $400 million. This is money that we should not have rescinded.

I ask my colleagues to understand the importance of these programs—again, I repeat—to real persons, men and women and children who have done nothing wrong. They live in rural America. They need to be made modern. That is what we are doing with these rural health outreach programs.

AMENDMENT NO. 429

Mr. PACKWOOD. Mr. President, I want to take this opportunity today to speak in support of the Gorton emergency salvage amendment and in opposition to the substitute amendment proposed by the junior Senator from Washington.

We have heard a lot of talk today about how these are the people's forests. These forests are a national treasure. We must maintain these forests for our future generations.We must not be allowed to destroy them. Mr. President, I could not agree more. But by maintaining the status quo—and by that I mean the continued lack of any management activity—we are doing just that. We are now destroying our forests as we sit idly by and do nothing.

I do not believe the average citizen would approve of the state of deterioration of our forests. For example, the eastside forests of Oregon and Washington alone have lost 135,000 acres of forest to insects or disease. Another 543,000 acres are imperiled by insects and disease if not treated aggressively. These are Forest Service figures. And these figures do not include the threat of loss due to wildfire, which is an ever-increasing reality.

Mr. President, in the first 3 months of 1995, four more Oregon mills have closed and two more have given their 60-day notice to employees. These are mills that rely on timber from Federal lands, and without that supply, they just can't make it. I could quote statistic after statistic about how many people are directly and indirectly affected by these closures. But these people are more than statistics. They are real people. They have families to feed and clothe. Kids to send to college. Car payments. House payments. Braces and medical bills. They are people like you and me who are being displaced from good jobs for no good or rational reason.

In many cases the mill is the backbone of the community—if the mill closes, the entire town is affected. In many cases the Federal forest land that once provided raw material for these mills is literally within walking distance of the mill. These people have personally watched these forests get sick and die because of misguided Federal policy. They have urged Federal land management agencies, in vain, to do something about the deteriorating conditions. These are people who have fought the rampaging forest fires that creep ever closer to their homes and towns. These are frustrated people who don't understand why their government will not let them salvage dead and dying timber to keep their mills and the forests alive. And I share their frustration.

The forest health problem in Oregon has reached a crisis state. There are hundreds of thousands of acres of dead and dying trees, surrounded by huge fuel loads on the forest floor, just waiting to be ignited. Congress can no longer stand idly by, fiddling while our forests burn. We are one errant match—or one random lightning strike—away from a catastrophic conflagration that would blacken hillsides in parts of my State for as far as the eye can see. We can remove this dead material, provide some small measure of hope to our timber families, and start returning or forests to their green and healthy state.

Too many family-wage jobs have been clearcut and replanted with minimum-wage jobs. The time has come for an aggressive salvage program that will give our forests—and our people—hope. I believe the people of this country want vital, healthy forests. I strongly urge a vote to table this amendment.

AMENDMENT NO. 429

Mr. LAUTENBERG. Mr. President, I rise today in opposition to Senator GORTON's timber salvage provision to this rescission bill, and in support of Senator MURRAY's alternative language.

The language currently in the bill mandates the expeditious sale of salvage timber without concern for the cost to the Federal Treasury, without concern for market demand, without concern for sound environmental practices, and without concern for citizen and judicial involvement.

This is old fashioned politics. It is a giveaway which will enrich one industry and impoverish a Nation of its natural resources.

Mr. President, at a time when we are trying to reinvent government, this is not the way to do business. Senator GORTON's provision would result in a dramatic change in the Federal Government's approach to timber management and sale—without appropriate review by the Senate and the public.

The language approved by the committee is an assault on our Nation's natural resources, an assault on sound science, an assault on existing laws, and an assault on the Senate's legislative process.

The existing provision assumes that there is a forest health crisis due to insects, disease, and fires. The timber industry feels that salvaging the diseased and dying trees is crucial to forest health. Others feel that much of what salvage logging would remove is actually crucial to the forest ecosystem. Obviously, this is a scientific matter that should best be left to the experts, or to comprehensive, fair hearings in committees—certainly not fast-track fixes on a rescission bill.

The language in Senator GORTON's provision suspends virtually every major environmental law, including, but not limited to, the Forest and Rangeland Renewable Resources Planning Act; the Federal Land Policy Management Act; the National Environmental Policy Act; the National Forest Management Act; the Endangered Species Act, and the Multiple-Use Sustained Yield Act.

This is not sound policy and could be disastrous to our Nation's forests.

That is why I support Senator MURRAY's amendment to the bill. Senator MURRAY's proposal is a balanced approach to this contentious issue. It expedites sales of timber salvage, which should satisfy the timber interests. But at the same time it respects existing law, excludes Federal lands that should not be touched, limits the definition of salvage sale, and allows for citizen and judicial involvement.

In all honesty, I would prefer a bill with no provision addressing timber salvage. This bill is not the place for such a provision, particularly one that will result in a steep cost to the Federal Treasury.

I commend the junior Member from Washington for stepping into a leadership role, and developing a sound compromise to this very difficult issue.

I yield the floor.

Mr. KEMPTHORNE. Mr. President, I would like to commend my colleague Senator GORTON's efforts to expedite timber salvage in the amendment to H.R. 1158, the bill now before us. I would also like to comment on the provisions of the amendment referring to the Endangered Species Act.

The timely and efficient salvage of burned timber is of great concern to me and to my home State of Idaho. The catastrophic forest fires that swept across the West last summer cost our Nation much in terms of lives, property, habitat, and economic resources.

Idaho suffered the greatest timber loss of any State—over 1.5 billion board feet—enough timber to build over 137,000 homes, and to provide jobs for up to 35,000 people.

The timber damaged in those fires has a limited 2 year window of opportunity for harvest, before the value of that wood is lost, and those economic resources are lost as well.

Yet some groups are already announcing their intent to appeal, even before most of the salvage sales have been proposed. This is despite the need for quick action, and despite the fact that the Forest Service has already determined that the majority of the fire-damaged areas will not be harvested. This has been done to address habitat, water quality and other important environmental concerns.

Two National Forests in Idaho were hardest hit by the fires—the Payette and the Boise National Forest. On the Payette, less than 10 percent of the burned timber is being considered for salvage. And on the Boise, they are considering less than half.

As I noted, most of these sales are still in the proposal stages. But one, the Boise River fire recovery effort, has been available for appeal for a week. Already, the Forest Service has received one appeal. Keep in mind that the window for appeals will run until May 1 for the Boise River recovery sale, and most appeals will not be submitted until closer to the deadline.

We're running into delays from all sides, and I am glad to support my colleagues' efforts to expedite the process.

As part of those efforts, the salvage sales amendment requires preparation of a single document that combines an environmental assessment under the National Environmental Protection Act with a biological evaluation under the Endangered Species Act.

At another point in the timber salvage amendment there is language that states production of a biological evaluation shall be deemed to satisfy all applicable Federal laws, including the requirements of the ESA.

Mr. President, I have seen a number of bills have been introduced in this Congress that attempt to modify the ESA in particular ways. I am not convinced that in every case they fully address the complex problems of the ESA.

Further, I am concerned that they may have other, unintended consequences than just the consequences they seem to affect on the surface.

I hope that this amendment will have the intended effect of allowing the salvage timber to be cut in a timely manner, and that the forests of Idaho will be protected from fuel load buildup. I certainly hope that we can accomplish the very necessary salvage timber harvest, and that we can then proceed to the very important matter of reforming the ESA.

Mr. MURKOWSKI. Mr. President, I rise against the amendment to strike the Gorton salvage amendment. This amendment is an essential response to an emergency forest health situation on our Federal forests as evidenced by last year's fire season. Our committee has held oversight in this area, and has recognized the severity of the problem. I recommend we support the Gorton amendment as an appropriate emergency response to the problem.

As I listen to critics of this amendment, I have come to conclude that they must be discussing some other provision than the one offered by Senator GORTON.

First, they say that the Gorton amendment mandates increased salvage timber sales. The Gorton amendment does not mandate timber sales, it provides the administration with additional flexibility to sell salvage sales to the extent feasible. I trust the administration to properly utilize the flexibility. Opponents of the Gorton amendment apparently don't trust this administration. I can't tell whether they don't want to rehabilitate burned forests, or whether they need individual sale sign-off from Forest Service Chief Jack Ward Thomas, the Secretary of Agriculture, and—maybe even—Vice President Gore to trust the administration.

Second, they say that the Gorton amendment suspends all environmental laws. The Gorton amendment expedites existing administrative procedures under the Endangered Species Act, the National Environmental Policy Act, and other measures. If the agencies successfully follow the expedited procedures, their performance is deemed adequate to comply with existing environmental and natural resources statues. These expedited procedures are essential if we are to appropriately respond to the forest health emergency we face.

Third, they say that the Gorton amendment eliminates judicial review. Well it does not. The amendment provides an expedited form of judicial review that has already been upheld by the Supreme Court in previous litigation.

Fourth, they say that the Forest Service cannot meet the salvage targets. Well the amendment does not have any targets. I wish it did. Today, the Forest Service is working on its capability statement on the House version of this amendment. There are strong indications that, with the expedited procedures of the House bill—matched in pertinent part in the Gorton amendment—the Agency can meet the House targets and still comply with the substantive requirements of existing environmental and natural resources law.

Fifth, they say that this amendment will cost the Treasury. This is false. The Gorton amendment has received a positive score from the Congressional Budget Office.

Sixth, they say that the amendment may disrupt and actually reduce timber sales. If that were true, I would expect them to strongly support the Gorton amendment. But it is not. The Gorton amendment contains protective language to assure that potential environmental litigants cannot disrupt other agency functions due to this amendment.

I have been generally perplexed by the misconceptions that accompany the attacks on this amendment. But today I know why this may be the case. Yesterday Senator GORTON and Congressman CHARLES TAYLOR, along with Senator CRAIG—the author of S. 391, a measure directed at another aspect of this problem—offered to meet with a group of activists opposed to both the Gorton amendment and S. 391. Together, they cleared time on their calendars at 9 a.m. But they found the activists were more interested in preparing for their 9:30 a.m. press conference than meeting with the authors of the three provisions that they proceeded to lambast. That sort of interest group behavior cannot be tolerated if we are to continue to have informed debates in this body.

Mr. President, I rise in support of the Gorton amendment, against the amendment to strike, and against any other modifying amendments.

Mr. MCCAIN. Mr. President, I rise today in support of the amendment offered by the Senator from South Dakota which will allow ranchers and their livestock to stay on U.S. Forest Service land until the National Environmental Policy Act [NEPA] process is complete.

On December 31, 1995, roughly 4,500 grazing permits in the western United States will expire. Approximately 140 of those permits are in my home State of Arizona. As part of the renewal process the Forest Service has embarked upon a new policy of requiring NEPA compliance for individual permits.

While we all agree that grazing should be done in an environmentally sensitive manner that protects the resources of our national forests, I am troubled by the very real possibility that the Forest Service will not complete the individual NEPA analyses in time to reissue the grazing permits.

If the permits are allowed to expire, ranchers and their cattle will be forced off of Forest Service land. This would be economically devastating to ranchers in many Western States where the only available grazing lands are those held by the Forest Service.

As currently proposed, this new policy will have a serious economic impact on permit holders, and will yield very little, if any, positive benefits for the environment. It serves no purpose to arbitrarily remove a rancher only to find out that their activities were not having an adverse impact on the environment.

This type of draconian action serves neither the interest of the environment, the rancher, nor the communities which rely on ranching revenues for their tax base. The amendment offered by Senator PRESSLER will ensure that the Forest Service cannot evict ranchers and their livestock from grazing allotments merely because the agency has not completed all the NEPA documentation.

It is my understanding that compliance with NEPA is required only for major Federal actions and, until recently, the Forest Service did not consider the renewal of single grazing permits to be a major Federal action. Additionally, the Forest Service already conducts an environmental analysis of ranching activities during consideration of forest management plans.

Mr. President, serious questions have been raised about the Forest Service's legal requirement to proceed with this additional environmental analysis. There are no Federal court cases requiring the Forest Service to complete either an environmental impact statement [EIS] or an environmental assessment [EA] prior to the issuance of a grazing authorization or term permit. Courts have held, however, that grazing should continue during the period of time that the NEPA process is being completed.

Along with my colleagues from Arizona, Senator KYL, I wrote to the Department of Agriculture asking the Department to review its new reissuance policy and determine if the permits could be extended until the NEPA process is complete. While we have not received a response to this letter, it is my understanding that the Forest

Service has made it clear they are unable to extend the permits under current law.

It appears that this new process for addressing the reissuance of grazing permits is unnecessarily disruptive to those involved and does nothing to further the Forest Service obligation to promote fairness and proper management of public lands. For these reasons, I believe that the Forest Service should extend the expiring permits pending completion of the NEPA studies.

Mr. President, I support the Senator's amendment and I hope the Senate conferees will work to retain it.

Mr. DASCHLE. Mr. President, today we have an opportunity to articulate in this rescission bill policy relating to timber salvage sales. It is my hope that the Senate will send a clear message to the Forest Service that considerably more timber salvage needs to be harvested in the forthcoming year.

As many of my colleagues know, the timber harvest on national forests has declined considerably during the last few years. In some cases, this has been due to problems encountered in the Pacific Northwest, as the logging practices of the 1980's led to inevitable clashes between the timber industry and environmental organizations, and the conflict was thrown into the Federal court system, which halted much of the timber activity in that region. Ultimately, through the development by the Clinton administration of a legally defensible compromise, some light is now evident at the end of the tunnel.

Nonetheless, progress has not been as rapid as the timber industry would have liked. And that is understandable. The pipeline of timber sales in the Pacific Northwest largely dried up during this period of litigation, and it has been slow to recover. Simultaneously, drought, insects and disease have taken a toll on other forests, resulting in considerable dead and dying timber and the associated fire danger throughout the west. The frequency and intensity of forest fires experienced last year were grim testament to the unacceptable situation that now exists.

And, at the same time, the Forest Service's timber program budget has shrunk, reducing its ability to harvest this timber in a timely fashion. On many national forests, the actual harvest levels are well below the levels that have been determined by the Forest Service to be sustainable.

We now are faced with developing and instituting an appropriate remedy. Serious steps should be taken to identify salvage timber and harvest it in an expedited fashion. By doing so, we can at least attempt to mitigate fire damage and begin to provide needed relief to timber-dependent communities.

Without question, the Gorton amendment to the rescission bill would move more timber and expedite the salvage program. My concern is that the Gorton amendment, in its understandable preoccupation with encouraging greater timber sales, would waive environmental laws. Given the large amount of timber that could be harvested under this amendment, and the possible affects of this harvesting on fish and wildlife habitat, I am uncomfortable with the wholesale waiver of environmental statutes.

In some cases, these laws have hindered the ability of the Forest Service to implement a responsible timber program. Congress is actively taking steps through the committees of jurisdiction to address these circumstances.

Senator CRAIG has introduced legislation to establish a more deliberate and timely process for dealing with forest health problems. I am working with him to move this bill through the appropriate committees and to the floor this year, so that we can begin to address forest health in a systematic, deliberate, thorough and effective manner. In addition, Senator KEMPTHORNE intends to produce legislation to reform the Endangered Species Act.

I would not be surprised if both of these bills are enacted during this session of Congress.

I believe that enactment of authorizing legislation is the appropriate way to change the scope or applicability of environmental laws—not ad hoc amendment of this rescission bill. Therefore, I support the amendment offered by Senator MURRAY which, among other things, will expedite timber sales by streamlining the appeals process and by limiting consultation with the Fish and Wildlife Service and the National Marine Fisheries Service to 30 days.

Under the Murray amendment, salvage sales cannot be held up solely because the Fish and Wildlife Service or the National Marine Fisheries Service claims that they do not have adequate information. Also, a presumption is established that timber sales offered under Option Nine in the Pacific Northwest meet all environmental requirements.

These measures should significantly improve the availability of timber in that region and throughout the country. I urge my colleagues to vote for this amendment and hope that, if we adopt it today, it will be included in the final bill that is sent to the President for enactment into law.

Mr. DOMENICI. Mr. President, I rise in support of the Senate-reported version of the Emergency Disaster Supplemental Appropriations and rescission bill for fiscal year 1995.

I commend the distinguished chairman of the Appropriations Committee for his efforts to move this bill expeditiously for Senate consideration.

The Senate substitute provides emergency disaster assistance totaling $6.7 billion as requested by the President to assist the victims of the Northridge earthquake in California and natural disasters in 40 other States.

The bill provides $1.9 billion to be available for the remainder of fiscal year 1995, and $4.8 billion as a ''contingency'' appropriation, which can be obligated by the President beginning in fiscal year 1996 with specific notification of the Congress.

The bill provides $27 million in nonemergency program supplementals requested by the President, which can be accommodated within the overall cap on discretionary spending.

Finally, the bill includes rescissions totaling $13.1 billion in budget authority and $1.2 billion in outlay savings for fiscal year 1995 to offset the costs of the disaster aid and provide further deficit reduction as the Congress seeks to move toward a balanced Federal budget.

I urge my colleagues to support the bill and put a ''mini downpayment'' on the significant deficit reduction that will be required to balance the budget and begin to alleviate the burden of debt we are leaving to our children and our children's children.

The fact that the Senate and House are paying for the supplemental spending for defense programs and disaster assistance is to be commended. It will prevent some $15 billion from being added to the Federal deficit, and puts the Congress on the right path toward a balanced budget.

The administration has indicated in its communications on this bill that it remains committed to deficit reduction. However, the administration then proceeds to object to most of the savings included in these bills.

In many cases, the rescissions are from programs proposed for reduction or termination by the President, are from unobligated balances that will not realistically be spent, or reduce significant increases provided for programs at a time when the overall budget is constrained.

The administration also focused on its commitment to deficit reduction in the President's fiscal year 1996 budget submission, but made no proposals whatsoever to deal with escalating spending on entitlement programs, and claimed phony savings in discretionary programs under the methodology OMB used to calculate the spending caps.

Now is the time for Congress to embark on a serious journey to get its fiscal house in order. This bill is but a first step on what will be a long and difficult, but necessary, journey.

I urge the passage of the bill.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point two tables showing the relationship of this bill to the section 602 allocations to the Appropriations Committee and to the current level which displays congressional action to date for fiscal year 1995.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

STATUS OF S. 617, EMERGENCY SUPPLEMENTAL AND RECESSIONS; SENATE-REPORTED

[Fiscal year 1995; in millions of dollars, CBO scoring]

Subcommittee	Current status [a]	S. 617 [b]	Subcommittee total	Senate 602(b) allocation	Total comp to allocation
Agriculture-RD:					
BA	58,117	−189	57,927	58,118	−191
OT	50,330	−104	50,226	50,330	−104
Commerce-Justice: [c]					
BA	26,873	−264	26,608	26,903	−295
OT	25,429	−108	25,321	25,429	−108
Defense:					
BA	243,628		243,628	243,630	−2
OT	250,661		250,661	250,713	−52
District of Columbia:					
BA	712		712	720	−8
OT	714		714	722	−8
Energy-Water:					
BA	20,493	−332	20,161	20,493	−332
OT	20,884	−166	20,717	20,888	−171
Foreign Operations:					
BA	13,679	−100	13,579	13,830	−251
OT	13,780	−11	13,770	13,780	−10
Interior:					
BA	13,578	−312	13,267	13,582	−315
OT	13,970	−137	13,832	13,970	−138
Labor-HHS: [d]					
BA	266,170	−2,906	263,264	266,170	−2,906
OT	265,730	−352	265,378	265,731	−353
Legislative Branch:					
BA	2,459	−26	2,434	2,460	−26
OT	2,472	−18	2,454	2,472	−18
Military Construction:					
BA	8,836	−231	8,605	8,837	−232
OT	8,525	−38	8,488	8,554	−66
Transportation:					
BA	14,265	−1,671	12.593	14,275	−1,682
OT	37,087	−36	37,050	37,087	−37
Treasury-Postal: [e]					
BA	23,589	−248	23,342	23,757	−415
OT	24,221	−17	24,204	24,261	−57
VA-HUD:					
BA	90,256	−6,819	83,437	90,257	−6,820
OT	92,438	−174	92,264	92,439	−175
Reserve:					
BA				2,311	−2,311
OT				1	−1
Total Appropriations: [f]					
BA	782,655	−13,097	769,558	785,343	−15,785
OT	806,241	−1,162	805,079	806,377	−1,298

[a] In accordance with the Budget Enforcement Act, these totals do not include $1,394 million in budget authority and $6,466 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and $877 million in budget authority and $935 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount as an emergency requirement.

[b] In accordance with the Budget Enforcement Act, these totals do not include $1,838 million in budget authority and $335 million in outlays in funding for emergencies that have been designated as such by the President and the Congress in this bill.

[c] Of the amounts remaining under the Commerce-Justice Subcommittee's 602(b) allocation, $28.1 million in budget authority and $6.2 million in outlays is available only for appropriations from the Violent Crime Reduction Trust Fund.

[d] Of the amounts remaining under the Labor-HHS Subcommittee's 602(b) allocation, $11.1 million in budget authority and $2.6 million in outlays is available only for appropriations from the Violent Crime Reduction Trust Fund.

[e] Of the amounts remaining under the Treasury-Postal Subcommittee's 602(b) allocation, $1.3 million in budget authority and $0.1 million in outlays is available only for appropriations from the Violent Crime Reduction Trust Fund.

[f] Of the amounts remaining under the Appropriations Committee's 602(a) allocation, $30.5 million in budget authority and $8.9 million in outlays is available only for appropriations from the Violent Crime Reduction Trust Fund.

NOTE: Details may not add to totals due to rounding; Prepared by SBC Majority Staff, March 27, 1995.

FY 1995 CURRENT LEVEL, S. 617, EMERGENCY SUPPLEMENTAL AND RESCISSIONS BILL

[In billions of dollars]

	Budget authority	Outlays
Current level (as of March 24, 1995) [a]	1,236.5	1,217.2
S.617, Emergency Supplemental and Rescissions, as reported by the Senate [b]	−13.1	−1.2
Adjustment to conform mandatory items with Budget Resolution assumptions	(*)	(*)
Total current level	1,223.4	1,216.0
Revised on-budget aggregates [c]	1,238.7	1,217.6
Amount over (+)/under (−) budget aggregates	−15.4	−1.6

Note: Details may not add to totals due to rounding;

* Less than $50 million.

[a] In accordance with the Budget Enforcement Act, the total does not include $1,394 million in budget authority and $6,466 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and $877 million in budget authority and $935 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount requested as an emergency requirement.

[b] In accordance with the Budget Enforcement Act, these totals do not include $1,838 million in budget authority and $335 million in outlays in funding for emergencies that have been designated as such by the President and the Congress in this bill.

[c] Reflects revised allocation under section 9(g) of H. Con. Res. 64 for the Deficit-Neutral reserve fund.

Prepared by SBC Majority Staff, 03/29/95.

ENDANGERED SPECIES ACT LISTINGS AND CRITICAL HABITAT DESIGNATIONS

Mr. CHAFEE. Mr. President, earlier this month, while considering the Department of Defense supplemental appropriations bill, the Senate adopted an amendment that was offered by the Senator from Texas. Senator HUTCHISON's amendment will rescind $1.5 million from the U.S. Fish and Wildlife Service's account for Endangered Species Act listings and critical habitat designations. That bill is currently before a House-Senate conference committee. At the moment, I have not heard whether the conferees have agreed to accept the Senate position and include the Hutchison amendment in the final DOD supplemental bill.

The bill we are considering today includes a provision to rescind funds from the same account as the original amendment by Senator HUTCHISON. It is my understanding that the intention of the managers of the bill is to rescind these funds in either the DOD bill or in this one, but not to rescind the funds in both bills. In fact, on page 32 of the Senate Appropriations Committee Report it states: ''The issue of a revised funding level for Endangered Species Act programs will be considered by the Committee in the context of conference actions on both this bill and the Department of Defense supplemental.'' Would the Senator from Washington confirm my understanding and would he please explain the meaning of this report language?

Mr. GORTON. Mr. President, I appreciate the opportunity to set the record straight on this. It is not my intention to include a rescission from the endangered species listing program in two separate rescission bills. When it becomes clear that the Hutchison amendment will be accepted by the DOD conference committee, I plan to offer an amendment to eliminate the rescission from the listing account that is included in this bill.

Mr. CHAFEE. I am pleased to hear the Senator's response and I thank him for his cooperation.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. All time has been yielded back on the Republican side.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent to send, along with Senator D'AMATO, a second-degree amendment to amendment No. 427, and ask that it be taken up at the appropriate time.

Mr. DOMENICI. Mr. President, might I, before that activity, move to table the Reid amendment that is immediately pending and ask for the yeas and nays?

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, reserving the right to object, could the Senator from Alaska repeat what the unanimous consent request is?

Mr. MURKOWSKI. Simply to submit a second-degree amendment to amendment No. 427 and ask that it be taken up at the appropriate time.

Mr. REID. Mr. President, I do not serve on the Banking Committee. There are two, three, four Republicans on the floor, five, all my friends. I know that they are not going to take advantage of anyone. But I just cannot do that because I do not understand the banking issue before this body.

I will object.

Mr. MURKOWSKI. This is simply a second degree to the D'Amato amendment which is the pending business.

Mr. DOMENICI. Senator D'AMATO is not here. I object, if the Senator is not here. Did Senator D'AMATO approve?

Mr. MURKOWSKI. Senator D'AMATO is joining me.

Mr. REID. I join my friend from New Mexico in objecting.

Mr. DOMENICI. Could I get the yeas and nays on the Reid amendment?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. DOMENICI. I thank the Chair.

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

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

VOTE ON AMENDMENT NO. 437

The PRESIDING OFFICER. Under the previous order, the question now occurs on agreeing to amendment No. 437 offered by the Senator from Alabama [Mr. SHELBY].

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. FAIRCLOTH] is necessarily absent.

I also announce that the Senator from Minnesota [Mr. GRAMS] and the Senator from Kansas [Mrs. KASSEBAUM] are absent due to a death in the family.

Mr. FORD. I announce that the Senator from Montana [Mr. BAUCUS], the Senator from North Dakota [Mr. CONRAD], and the Senator from North Dakota [Mr. DORGAN] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 79, nays 15, as follows:

[Rollcall Vote No. 124 Leg.]

YEAS—79

Abraham	Frist	Mack
Akaka	Glenn	McCain
Ashcroft	Gorton	McConnell
Bennett	Gramm	Murkowski
Biden	Grassley	Nickles
Bingaman	Gregg	Nunn
Bradley	Harkin	Packwood
Breaux	Hatch	Pell
Brown	Hatfield	Pressler
Bryan	Heflin	Pryor
Bumpers	Helms	Reid
Burns	Hollings	Robb
Campbell	Hutchison	Roth
Chafee	Inhofe	Santorum
Coats	Jeffords	Shelby
Cochran	Kempthorne	Simpson
Cohen	Kennedy	Smith
Coverdell	Kerrey	Snowe
Craig	Kerry	Specter
D'Amato	Kohl	Stevens
Daschle	Kyl	Thomas
DeWine	Lautenberg	Thompson
Dodd	Leahy	Thurmond
Dole	Levin	Warner
Domenici	Lieberman	Wellstone
Exon	Lott	
Feingold	Lugar	

NAYS—15

Bond	Graham	Moynihan
Boxer	Inouye	Murray
Byrd	Johnston	Rockefeller
Feinstein	Mikulski	Sarbanes
Ford	Moseley-Braun	Simon

NOT VOTING—6

Baucus	Dorgan	Grams
Conrad	Faircloth	Kassebaum

So the amendment (No. 437) was agreed to.

VOTE ON AMENDMENT NO. 435, AS AMENDED

The PRESIDING OFFICER. The question occurs on amendment No. 435, as amended, by the Senator from Nebraska, [Mr. KERREY].

Mr. KERREY. Mr. President, I ask unanimous consent to vitiate the yeas and nays on my amendment.

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

The question is on agreeing to the amendment.

The amendment (No. 435), as amended, was agreed to.

VOTE ON MOTION TO TABLE AMENDMENT NO. 438

The PRESIDING OFFICER Under the previous order, the question occurs on a motion to table amendment No. 438 offered by the Senator from Nevada [Mr. REID].

Mr. HATFIELD. Mr. President, I ask unanimous consent that the following votes be 10 minutes in duration.

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

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. FAIRCLOTH] is necessarily absent.

I also announce that the Senator from Minnesota [Mr. GRAMS] and the Senator from Kansas [Mrs. KASSEBAUM] are absent due to a death in the family.

Mr. FORD. I announce that the Senator from Montana [Mr. BAUCUS], the Senator from North Dakota [Mr. CONRAD], and the Senator from North Dakota [Mr. DORGAN], are necessarily absent.

The PRESIDING OFFICER (Mr. COATS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 77, nays 17, as follows:

[Rollcall Vote No. 125 Leg.]

YEAS—77

Abraham	Frist	Lugar
Akaka	Glenn	Mack
Ashcroft	Gorton	McCain
Bennett	Gramm	McConnell
Bingaman	Grassley	Moseley-Braun
Bond	Gregg	Murkowski
Bradley	Hatch	Murray
Brown	Hatfield	Nickles
Bumpers	Helms	Nunn
Burns	Hollings	Packwood
Campbell	Hutchison	Pressler
Chafee	Inhofe	Robb
Coats	Inouye	Roth
Cochran	Jeffords	Santorum
Cohen	Johnston	Shelby
Coverdell	Kempthorne	Simpson
Craig	Kennedy	Smith
D'Amato	Kerrey	Snowe
DeWine	Kerry	Specter
Dodd	Kohl	Stevens
Dole	Kyl	Thomas
Domenici	Lautenberg	Thompson
Exon	Leahy	Thurmond
Feingold	Levin	Warner
Feinstein	Lieberman	Wellstone
Ford	Lott	

NAYS—17

Biden	Graham	Pryor
Boxer	Harkin	Reid
Breaux	Heflin	Rockefeller
Bryan	Mikulski	Sarbanes
Byrd	Moynihan	Simon
Daschle	Pell	

NOT VOTING—6

Baucus	Dorgan	Grams
Conrad	Faircloth	Kassebaum

So the motion to lay on the table the amendment (No. 438) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I ask unanimous consent to vitiate the rollcall on the REID amendment.

Mr. DOLE. Mr. President, if we could have order?

The PRESIDING OFFICER (Mr. COATS). The Senate will be in order.

Without objection, it is so ordered.

VOTE ON MOTION TO TABLE AMENDMENT NO. 439

The PRESIDING OFFICER. The question then occurs on the motion to lay on the table amendment 439, offered by the Senator from Nevada [Mr. REID].

The motion to lay on the table the amendment (No. 439) was agreed to.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, I would like to ask the distinguished Democratic leader—as I understand it, he would prefer to have no more votes this evening. Is there any way we could reach some agreement on bringing this matter to conclusion? Otherwise, I am tempted to take the bill down.

But I can say we are not going to send any other supplemental to the President until we deal with this one. So if they are waiting for the defense supplemental, it is not going to happen. I think what we have here is just a lot of amendments coming by the bucketsful from that side. Certainly it is everybody's right. But we thought we could finish this bill in 2 days. Apparently we cannot.

I have asked the distinguished Democratic leader if it would serve any purpose to stay here any further tonight?

Mr. DASCHLE. Mr. President, I guess I would remind our colleagues the reason we are here at 10:15 is we spent the entire day working on an amendment offered by the Senator from New York, on an amendment that had nothing to do with the supplemental. I am sure the bulk of the amendments thus far have been offered in good faith by Members on both sides of the aisle.

I would be prepared to lay down the amendment that we have been talking about now for a couple of days tomorrow morning at 10 o'clock. We could have a good debate on it. I think we could narrow the list, as we have been able to do in the past, to try to come up with a list that we could dispose of in due course. But certainly I would be prepared to work out a time agreement on the amendment tomorrow and continue our work.

Mr. DOLE. As I understand it, the Democratic leader would like to start, what, 10 o'clock? Is that what he indicated?

Mr. DASCHLE. That is correct, start at 10 o'clock. We could get a time agreement. I know people are going to want to make travel schedules tomorrow, but we could finish perhaps at 2 o'clock in the afternoon.

Mr. DOLE. I also understand the managers of the bill would like to stay tonight if any amendments can be accepted. Are there amendments that could be accepted tonight, I might ask the chairman of the Appropriations Committee?

Mr. HATFIELD. Not to my knowledge. Mr. Leader, I do not have a list of the amendments that are floating around. We have a number, a few amendments here that we can accept, to move ahead and do that. But I do not have a list from the minority side, nor from the majority side, on what amendments are intended to be offered.

Mr. DOLE. Is there anyone willing to debate an amendment tonight and have the vote tomorrow at, say, 9:45, before we start on the major amendment by the Democratic leader?

Mr. D'AMATO. Mr. President, I will be delighted.

Mr. DOLE. Your effort has been noted.

Are there any volunteers? We might be able to do that. I think the managers—I think Senator HATFIELD had hoped we would stay all night and finish the bill, but I do not believe that is possible after visiting with the Democrat leader. But it may be possible for someone to lay down an amendment—on either side of the aisle? Are there any amendments on either side of the aisle we can lay down and have a vote on, say tomorrow at 9:45 in the morning?

Mr. HATFIELD. Would the majority leader and minority leader at least let us try to stay in all night and finish it?

Mr. DASCHLE. No, we could not do that.

Mr. HATFIELD. I feel fine.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. KERRY. Would the majority leader yield for a question?

Mr. DOLE. Sure.

Mr. KERRY. If someone were to stay tonight and offer an amendment for a vote in the morning, would that obviate a vote subsequent to that? Or would there still be a vote later in the afternoon?

Mr. DOLE. There would be a vote hopefully not too late in the afternoon, hopefully 1:30 or 2.

I do not like getting everybody over to vote with the Sergeant at Arms. I think that is a waste of time and punishes people who may not be here for some good reason. I know on our side there are a couple of people here who had deaths in the family.

But if there was some amendment we could lay down tonight and vote on in the morning? If not, we will just wait and take up the leader's amendment at 10 a.m.

Mr. DOMENICI. Mr. Leader, could you yield for a question?

Mr. DOLE. I will.

Mr. DOMENICI. Is there any way between the minority leader and the chairman of the committee that we could find out how many amendments there really are?

Mr. DASCHLE. Sure. We can work on that. We have been.

Mr. DOLE. We will work on that overnight and bring it up in the morning.

Mr. DOMENICI. I thank the Chair.

Mr. DOLE. There will be no more votes then this evening.

The PRESIDING OFFICER. The question occurs on the amendment of the Senator from New York.

Mr. SIMON. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Would it be in order on the floor of the Senate to mention that our colleague, Senator Bob GRAHAM, became a grandfather of triplets this evening?

The PRESIDING OFFICER. The Senator from Illinois may speak on any subject he wishes. The Senator has done just that.

The Senator from Oregon.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the D'AMATO amendment be temporarily laid aside in order to take up the amendment.

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

AMENDMENT NO. 440

Mr. HATFIELD. Mr. President, I send an amendment to the desk proposed by Senator HOLLINGS for himself and Senator BIDEN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD] for Mr. HOLLINGS, for himself and Mr. BIDEN, proposes an amendment numbered 440.

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

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

The amendment is as follows:

On page 8 of the substitute amendment strike line 1 through line 6 and insert in lieu thereof the following:

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading in Public Law 103–317, $5,000,000 are rescinded.

LEGAL ACTIVITIES

ASSET FORFEITURE FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $5,000,000 are rescinded.

OFFICE OF JUSTICE PROGRAMS

DRUG COURTS

(RESCISSION)

Of the funds made available under this heading in title VIII of Public Law 103–317, $17,100,000 are rescinded.

Mr. HOLLINGS. Mr. President, This amendment, on behalf of myself and Senator BIDEN, would restore some of the funding in the Department of Justice's Drug Court Program. The House-passed bill and the committee-reported bill both rescind $27.1 million from drug courts. My amendment reduces the rescission to $17.1 million, and allows $10.0 million for the program this year.

Last week Attorney General Janet Reno sent me a letter expressing her strong support for the Drug Court Program and her desire to have this funding restored. I ask unanimous consent that her letter, in its entirety, appear in the RECORD.

This Drug Court Program is funded through the violent crime trust fund. We already cut all discretionary programs last year to make offsets for this program and other crime bill programs. But, now here we are considering a bill that eliminates funding for a crime reduction, antidrug program—and here I am proposing yet additional offsets to pay for the program a second time.

Mr. President, Members might wonder why the House is trying to eliminate this program. Why? Because drug courts always was a Senate-sponsored program. It was included in the Senate version of the crime bill and was supported on a bipartisan basis. And, frankly, I don't understand why the Appropriations Committee would want to concur in their rescission.

Mr. President, we have a crime problem in this country caused by drugs. Just 2 weeks ago, DEA Administrator Constantine testified before the Commerce, Justice and State Subcommittee about the rise in drug-related crime. More than half of those arrested who enter the criminal justice system have some level of substance abuse problems. Our criminal justice system functions like a revolving door in which drug offenders continue to pass through.

Drug courts are designed to specifically deal with this inherent problem in our criminal justice system. Drug courts employ the coercive power of the court to subject nonviolent offenders to the kind of intensive supervision that can break the cycle of substance abuse and crime that infects too many communities in this country.

These drug courts require mandatory periodic drug testing, mandated substance abuse treatment for each program participant, and graduated sanctions for participants who fail to show satisfactory progress in their assigned treatment regimens.

All this is under the direct supervision of drug court judges. I believe many Members met with these judges in the last few weeks, two drug court judges were in my office recently to speak on behalf of this program. Both Judge Jeffrey Tauber of Oakland, CA, and Judge Steven Ryan of Las Cruces, NM, stressed that drug courts are not a ''Washington knows best program.'' It is a locally determined program, every drug court is different and unique.

Mr. President, I think we now have one of the best Attorney Generals we've ever had, and I have known a lot of them. She's tough and understands law enforcement. Janet Reno came up through the ranks. She really believes in this Drug Court Program and knows from her experience in Dade County, FL, that it works. My amendment lets her prove the program's worth and get it off the ground.

The amendment's offsets are simple.

The amendment proposes rescinding $5 million of the unobligated balances in the Justice Department's working capital fund. This account funds ADP equipment, accounting systems, administrative support, and law enforcement related equipment. I know justice has various things they want to reprogram dollars for; saving the drug court program is a high priority. The only reason these balances are in the fund is because of language the Congress put in the bill 3 years ago that enabled Justice to recapture expiring balances.

Second, the amendment proposes a rescission of $5 million from unobligated balances in the Justice assets forfeiture fund. These funds are excess to annual requirements and were not expected to be spent in the current year. It will not impact any State or local law enforcement participation in the assets forfeiture program.

So, what we are trying to do in this amendment is to strike a balance—to make minor reductions in two Justice accounts—to save at least $10 million for drug courts. We should give Attorney General Reno a chance to prove this program's worth instead of simply

concuring with the House-proposed rescission. Our amendment is fully offset. I urge its adoption. I ask unanimous consent a letter from Attorney General Reno be printed in the RECORD.

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

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, March 24, 1995.

Hon. ERNEST F. HOLLINGS,
Ranking Minority Member, Subcommittee on the Departments of Commerce, Justice, and State, The Judiciary and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR HOLLINGS: As you know today the Full Committee will consider H.R. 1158, a bill that among other things would rescind funding for certain programs established in the Violent Crime Control and law Enforcement Act of 1994 (VCCA). Included in this bill is a rescission of $27,170,000 for the Drug Court Grant Program.

I am writing to register my strong objection to this rescission, which would eliminate funding to help implement a proven cost-effective approach of integrated services and sanctions which I have witnessed first hand to be successful in combatting drug-related crime. The Drug Court Grant Program can help ensure certainty and immediacy of punishment for non-violent arrestees with drug problems who might otherwise go both unpunished and unsupervised. They are an essential element of a comprehensive and fiscally responsible approach to improve the criminal justice system.

The House action—the rescission of more than 95 percent of the appropriation for the current fiscal year—is devastating to this Administration's drug-fighting efforts. It also represents a serious setback for communities around this country working to improve public safety by breaking the powerful connection between substance abuse and crime.

TRUST FUND

At the outset, I would like to comment on how this rescission affects the integrity of the Violent Crime Reduction Trust Fund.

Both the Drug Court program and the Trust Fund were included in S. 1607, the Senate crime bill from last Congress, which passed the Senate on November 19, 1993 by the overwhelming vote of 95 to 4.

The concept of the Trust Fund was to offset the cost of crime-fighting initiatives—such as Drug Courts—with the savings accumulated from reducing the Federal workforce. The Trust Fund was the result of a true bipartisan effort because the Senate had concluded—as a body—that crime-fighting programs should be paid for and protected from other spending programs.

Rescinding the funding for the Drug Court Program will set a precedent that the Trust Fund can be raided at any time for any other spending program.

DRUG COURTS ARE AN IMPORTANT CRIME-FIGHTING TOOL

We know that more than half of those arrested enter the criminal justice system with some substance abuse problem. We also know that too frequently, the current criminal justice system functions like a revolving door through which substance-abusing offenders pass without being required to deal with the drug abuse that is inextricably tied to their criminal behavior. Seeking to capitalize on that knowledge, the VCCA established the Drug Court Grant Program.

Drug courts employ a court's coercive power to subject non-violent offenders to the kind of intensive supervision that can break the cycle of substance abuse and crime that inflicts suffering in too many communities in this country.

Title V of the Violent Crime Control & Law Enforcement Act of 1994 authorizes the Department of Justice to make discretionary grants to support drug court programs that involve continuing judicial supervision over offenders. Violent offenders are excluded from this program.

States, state courts, local courts, units of local government and tribal governments are eligible to apply for drug court program funding. Programs that receive Crime Act funding will subject substance abusing, nonviolent offenders to intensive court supervised intervention that provides the mix of services and sanctions necessary to coerce abstinence and force criminals to alter their behavior.

To achieve those goals, funded programs must include the research identified key elements of success: mandatory periodic drug testing; mandated substance abuse treatment for each program participant; and graduated sanctions for participants who fail to show satisfactory progress in their assigned treatment regimens.

This initiative will support locally tailored approaches—it is not a ''Washington knows best'' program. No single drug court model can effectively break the cycle of substance abuse and crime in every community. Thus, this program will support local determinations about how to structure funded drug court programs, while ensuring that statutorily-required bedrock principles are in place.

THE FACTS ON DRUG COURTS

The facts are clear that drug courts work. According to a National Institute of Justice-sponsored evaluation, participants in the Dade County, Florida drug court program—one that I witnessed first-hand—showed substantially lower rates for rearrest than nonparticipating defendants. Even those drug court participants who did re-offend, did so after significantly longer periods than nonparticipating offenders.

Studies of the drug court programs in Portland, Oregon, Washington, D.C., and Chicago, Illinois, have also shown lower rates of recidivism for program participants. The California Drug and Alcohol Treatment Assessment (CALDATA) showed that substance abuse treatment reduced participants' involvement in criminal activity by 43.3 percent.

Encouraged by these positive law enforcement results, prosecutors, judges, public defenders, law enforcement officials, and treatment professionals in jurisdictions around the country are embracing this concept and moving forward to implement treatment drug court.

Twenty-nine drug courts have been fully operational for at least 6 months. Another 31 drug courts have been either recently launched or are under development.

MOVING IN THE RIGHT DIRECTION

Since the Crime Bill became law, the Office of Justice Programs (OJP) in the Department of Justice has moved forward aggressively to implement this initiative. OJP had created a Drug Court Program Office to administer the program. OJP has published proposed Drug Court Regulations and is currently responding to comments submitted in response to that publication. In addition, OJP has disseminated Program Guidelines and Application Information regarding the Drug Court Program.

Jurisdictions around the country are poised to move forward with planning for drug courts. That more than 600 people attended the January conference of the National Association of Drug Court Professionals demonstrates the burgeoning support for this program nationwide. In light of that widespread support and interest, the Office of Justice Programs intends to make up to 100 small ($35,000 each) planning grants to eligible jurisdictions. This small sum, dedicated as it is to planning, will help jurisdictions lay the ground work for effective drug courts that work to break the cycle of substance abuse and crime.

Many jurisdictions, inspired by the common sense appeal of the treatment drug court concept, have already engaged in significant drug court planning. For those locales, OJP will make available up to 13 grant awards (no more than 10 for up to $1 million and no more than 3 of up to $2 million) for those jurisdictions to complete their planning processes and move into full implementation.

In addition, there are some 35 treatment drug courts currently in operation around the country. These jurisdictions are pleased with the results they have achieved thus far, but would seek Federal support to improve, enhance, or expand their efforts. OJP will make available up to 20 grants, of no more than $1 million, to existing drug courts so that they can more effectively work to attack the linkage between substance abuse and criminal behavior in their communities.

OJP also intends to develop the capacity to provide a broad range of training and technical assistance nationwide. While this assistance will focus on jurisdictions that receive OJP Drug Court grants, the intention is to develop the capacity to provide assistance beyond those jurisdictions which receive grant awards.

The House-passed rescission action eviscerates the Department's ability to move forward to help make drug courts—an important crime fighting tool—available to our nation's states and localities.

HOUSE ACTION ON H.R. 1158

Finally, the House Appropriations Committee Report accompanying H.R. 1158 stated that the Drug Court rescission ''simply conforms the appropriation to the most recent House action.'' The reference to the last House action is the passage of H.R. 728 last month, which eliminated the authorization for the Drug Court Program.

As you know, since the Senate has yet to act upon any revisions to the Crime Law, the House's rationale for eliminating Fiscal Year 1995 funding for the Drug Court Program is inapplicable to the Senate.

During consideration of any revisions to the Crime Law in the Senate this Congress, the Administration will be working very hard to preserve the authorization for the Drug Court program and we expect bipartisan support in this effort.

Since the Senate is yet to act upon any authorization revisions to the Crime Law, I believe that a rescission of the Drug Court Fiscal Year 1995 funding should not be included in any Senate action on H.R. 1158.

This Administration is strongly committed to streamlining government and reducing the deficit. However, it is also committed to an issue that is so important to each and every American—the fight against crime. The proposed rescission of the Drug Court Program from the VCCA Trust Fund will greatly thwart our efforts to fight crime. It sends the wrong message to the American public. We should be moving forward not backward from the gains we made last year.

I appreciate your consideration of my views.

Sincerely,

JANET RENO.

Mr. BIDEN. Mr. President, I rise to speak about an amendment that has

been accepted by both sides. The amendment restores $10 million in crime law trust fund dollars that would be rescinded by the legislation now before the Senate.

My amendment restores $10 million of the $27 million rescinded from the Drug Courts Program. And, let me be clear, all of this $10 million is offset by cuts of $10 million in Justice Department funds that will not diminish law enforcement. They are funds that both the subcommittee chairman and ranking member have agreed to rescind because they will not adversely impact Justice Department operations.

This amendment is necessary for two key reasons:

First, we must stick to the promise we made in the violent crime reduction trust fund—we have already cut Federal bureaucrats to pay for the crime law, so the $30.2 billion crime law does not increase the deficit.

Second, unless we restore this $10 million more than 5,000 drug offenders who are today released on probation will not be tested for drugs, will not be supervised, and will not be punished until many more American citizens have been the victim of a crime, because without drug testing, about the only way any offender is kicked off probation and into jail is to get caught committing another crime—in other words, after there is yet another victim.

And as I mentioned, my amendment identifies $10 million in offsetting cuts so my amendment does not change the overall deficit cutting of this bill. This amendment simply takes a step to help preserve the integrity of the Drug Court Program.

Let me review just some of the facts that point out just how great the need is to add real teeth to our probation system.

Nationwide, about 3 million offenders are released on probation. Of these 3 million, about half, 1.4 million, of these offenders are drug abusers. And, of these 1.4 million offenders, only about 800,000 receive some drug testing and/or drug treatment.

That all means that nationwide we have about 600,000 offenders, out on probation who are drug-abusers and who are not tested for drugs, not treated for their addiction, and barely supervised by our overwhelmed probation officers.

In fact, in the Nation's largest States, probation officers' caseloads range from 90 to 100 offenders per officer; to 240 offenders per officer. Even at the 100-offender level, that means that in an average 40 hour week, a probation officer could spend about 20 minutes on each offender under his or her authority. At the higher levels, probation officers have less than 10 minutes every week to make sure that each offender is staying on the straight and narrow.

Plainly, few of these offenders are being supervised the way they should.

Unless these offenders face certain punishment, with the chance of treatment to beat their addiction, they will be the violent offenders of tomorrow.

Unless we monitor these offenders on probation, they are probably continuing to take drugs, as well as committing crimes for which they have not yet been arrested. Drug testing means that these offenders will no longer get a free ride on probation.

And that is the only choice these intensive drug testing and treatment, and certain punishment programs ask us to make. Instead of these offenders walking around the streets, unmonitored, they will have to check in every day or so and confirm that they have not been using drugs through a drug test or suffer the consequences.

While all of us might wish that these offenders were all behind bars, I do not believe we have that choice. We all know that we can't build cells fast enough—even if we could afford to build 3 million new prison cells at a cost of at least $150 billion and that is based on a conservative construction cost estimate of $50,000 per cell.

Let me also point out that these are not programs for violent offenders. These are cost-effective programs that combine the concepts of prevention plus responsibility to reach those offenders whose minor crimes have just brought them into the criminal justice system.

The language in the Senate-passed bill specifically exempted violent offenders from participation in these intensive drug testing programs. And, the language in the crime law goes even further—adding language that prevents any offender who has ever been convicted of a violent offense from participating in the drug courts.

The results of the Drug Court Program in Attorney General Reno's hometown are impressive:

From June 1989 to December 1991, 1,740 offenders successfully graduated from the program—and only 3 percent have been rearrested.

In addition, about 1,500 offenders failed out of the Drug Court Program—however, the strength of the drug testing program means that these offenders who should not be released on probation were identified early and sent to jail—where they belong.

Before the Drug Court Program, was instituted, the re-arrest rate for these offenders was 33 percent.

And the program is saving money—money that can be redirected to incarcerating and treating violent, career criminals. In Miami, it costs $17,000 a year to keep an offender in the county jail. That same offender can get the benefits of the drug court at a price of about $2,000 a year.

The results from many other jurisdictions are similarly impressive:

In my home State of Delaware, Judge Richard Gebelein wrote to tell me that in just the first 8 months of operation the Delaware drug court had put:

> Over 250 people who would have been placed on probation with little or no supervision have been placed in a [drug court] program where they are tightly controlled and monitored. We have increased public safety through this program.

In Coos County, OR, the rate of positive drug tests dropped from more than 40 percent to less than 10 percent after the probation department subjected offenders to a tough program of drug treatment and drug testing.

In Michigan, some judges have instituted a drug testing program which imposes progressively harsher sanctions with each failure. Most offenders—no matter how serious their addiction—seem to learn quickly: Of 200 offenders in the program, only 28 have failed.

An Oakland, CA, Drug Court Program with regular drug testing found that the re-arrest rate was reduced by 45 percent when the program went into effect. And, based on this figure, the program estimated that participants spent—in total—35,000 fewer days in custody because they were not re-arrested. The bottom line: Alemeda County generated more than $2 million in savings from the unused prison space.

I would like to thank Commerce/State/Justice Appropriations Subcommittee Chairman GRAMM for his assistance on this important matter. I am happy that we could reach agreement and I am sure that Senator GRAMM will continue to work on this important program when this bill reaches—as I believe it will—a conference with the House of Representatives. Senator GRAMM was a key player when the Senate developed the crime law trust fund, so I know that he shares my support for this key funding mechanism.

I would also thank the subcommittee's ranking member, Senator HOLLINGS, for his efforts and assistance to preserve at least a portion of the drug court funding, and uphold the integrity of the trust fund.

Appropriations Chairman Senator HATFIELD also has my appreciation for his support of the Drug Court Program.

Finally, I would express my personal gratitude to ranking member Senator BYRD for agreeing to this amendment. As my colleagues in the Senate know, the violent crime reduction trust fund that fully funded the $30.2 billion crime law without adding to the deficit was the product of the hard work and incredible creativity of Senator BYRD. I will do everything I can to maintain the integrity of the trust fund, but I would just acknowledge that there would be no trust fund for which to fight were it not for Senator BYRD.

Mr. HATFIELD. Mr. President, again, I note that the ranking member of this committee is on the floor, Senator HOLLINGS. It has been cleared on both sides.

I urge its adoption.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 440) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 427

Mr. MURKOWSKI. Mr. President, may I make an inquiry? What is the pending business? Are we on D'Amato?

The PRESIDING OFFICER. The pending question occurs on the D'Amato amendment number 427.

AMENDMENT NO. 441 TO AMENDMENT NO. 427

Mr. MURKOWSKI. If there is no objection, I would like to send a second-degree amendment in behalf of myself, Senator D'AMATO, to amend amendment No. 427 and ask it be taken up at the appropriate time.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] for himself and Mr. D'AMATO proposes an amendment numbered 441 to amendment numbered 427.

Mr. MURKOWSKI. 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 line 10 of page 2, prior to the period insert the following:

'', Provided, That as the bearer bonds issued by the Government of Mexico are redeemed with monies provided by the Government of the United States, the Government of the United States first be provided with the names and addresses of those redeeming such bonds''.

Mr. MURKOWSKI. I thank the Chair.

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

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

MORNING BUSINESS

IN HONOR OF ROBERT J. PFEIFFER, RETIRING CHAIRMAN OF THE BOARD OF ALEXANDER & BALDWIN, INC.

Mr. AKAKA. Mr. President, it is a privilege for me to rise today to honor, congratulate, and extend my very best wishes and aloha to a dear, and very close friend to me and my family, Mr. Robert J. ''Bobby'' Pfeiffer, on his retirement as Chairman of the Board of Alexander & Baldwin, Inc.

His life represents a true American success story, a self-made man who started as a deck hand, rose to president of Hawaii's largest navigation company, and later made it to the board room of one of Hawaii's largest corporations. Bobby Pfeiffer will conclude 57 years of exemplary service on March 31, when he resigns as chairman of Alexander & Baldwin, Inc. (A&B), a Fortune 500 company. Mr. Pfeiffer has a long and distinguished record of contributions to his company, and because of the leadership he has provided, he has been unanimously elected to the post of chairman emeritus. Mr. Pfeiffer has enjoyed a 37-and-a-half year career with A&B, including longer service as CEO than any other individual in the company's 124 year history except John Waterhouse, son-in-law of A&B founder Samuel T. Alexander.

Mr. Pfeiffer, who stepped down as A&B's chief executive officer on March 31, 1992, indicated that because he wanted his retirement to be complete, he also wished to leave his current positions as director and chairman of the board of both of A&B's principal subsidiaries, A&B–Hawaii, Inc. and Matson Navigation Company, Inc. the A&B–Hawaii and Matson directors, at their January meetings, unanimously elected him chairman emeritus of those boards as well. Mr. Pfeiffer was Matson CEO longer than anyone except Captain William Matson, who founded the company 112 years ago.

Born in Fiji in 1920, Pfeiffer came to Hawaii the following year. He graduated from McKinley High School in 1937 and went to work as a deckhand for the Inter-Island Steam Navigation Company, Ltd., of which he later became president. He served as an officer in the U.S. navy during World War II.

Mr. Pfeiffer's career with Alexander and Baldwin began in 1956. He worked for Matcinal Corporation, a Matson subsidiary and a stevedoring and terminal company in the San Francisco Bay area, as vice president and general manager. In 1962 he was promoted to president of Matson Terminals, Inc., another Matson subsidiary. He was appointed Matson president and CEO in 1973; he has served as Matson's chairman continuously since 1979. At Matson, he guided the company through a period of tremendous growth and success and in the process transformed it into one of the world's most efficient, modern ocean transportation companies.

Mr. Pfeiffer was named to A&B's board of directors in 1978; he was appointed president of A&B the next year. He assumed the posts of chief executive officer and chairman of the board in 1980. Under his leadership, A&B has grown, modernized, and diversified. Mr. Pfeiffer also earned the company a solid reputation for involvement in philanthropic activities and community affairs, both in Hawaii and California, its two principal places of business. Today, the Alexander and Baldwin Foundation, which he created, has established a level of giving in excess of $1 million a year.

Mr. Pfeiffer has served on many corporate, professional and non-profit boards and organizations, often in leadership positions. These include First Hawaiian, Inc.; First Hawaiian Bank; the Conference Board; the Hawaii Business Roundtable; the Chamber of Commerce of Hawaii; the American Bureau of Shipping; the Maritime Transportation Research Board of the National Academy of Sciences (as chairman); the Containerization & Intermodal Institute; the International Cargo Handling Coordination Association (as chairman); the Propeller Club of the United States, Port of Honolulu (as president) and Port of San Francisco; the National Association of Stevedores (as president); the National Cargo Bureau, Inc.; the Hawaii Maritime Center; the McKinley High School Foundation; the University of Hawaii Foundation (as chairman); the Aloha Council, Boy Scouts of America; the Girl Scout Council of the Pacific; the Pacific Aerospace Museum; and the Research Round Table of the American Heart Association, Alameda County Chapter.

Mr. Pfeiffer's community and professional leadership earned him numerous honors. The latest was on January 25th when he received the Charles Reed Bishop Medal from Honolulu's Bishop Museum, which cited his ''leadership and personal example'' in making A&B ''a leader in corporate citizenship * * * through its exemplary support of community organizations * * *'' In 1986 the Aloha Council of the Boy Scouts of America honored him with its Distinguished Citizen of the Year Award. In 1985 the United Seamen's Service gave him its Admiral of the Ocean Sea award in New York. Mr. Pfeiffer has been granted honorary doctorates by the Marine Maritime Academy, the University of Hawaii, and Hawaii Loa College.

Mr. Pfeiffer's professionalism, corporate citizenship, and commitment to the highest standards throughout his career have inspired many. I ask my colleagues to join my wife Millie and me in wishing Bobby Pfeiffer the very best, God's blessing on his retirement, and mahalo for a job well done.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 3:21 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the

report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 831) to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision pertaining nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, 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–671. A communication from the Acting Secretary of Agriculture, transmitting, a draft of proposed legislation to amend the Federal Meat Inspection Act, the Poultry Products Inspection Act and the Egg Products Inspection Act to recover the full costs for Federal inspection of meat, poultry and egg products performed at times other than an approved primary shift; to the Committee on Agriculture, Nutrition and Forestry.

EC–672. A communication from the Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report relative to the number of applications for conditional registration under FIFRA; to the Committee on Agriculture, Nutrition and Forestry.

EC–673. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report relative to the breach of a cost threshold; to the Committee on Armed Services.

EC–674. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to technology-related developments useful in the reduction of environmental hazards; to the Committee on Armed Services.

EC–675. A communication from the Chairman of the Joint Chiefs of Staff, transmitting, pursuant to law, the 1995 Force Readiness Assessment; to the Committee on Armed Services.

EC–676. A communication from the Assistant Secretary of Defense for Force Policy Management, transmitting, pursuant to law, a report relative to the effectiveness of defense conversion; to the Committee on Armed Services.

EC–677. A communication from the Chairman of the Board of Governors of the Federal Reserve, transmitting, pursuant to law, a report relative to consumer waivers of the right of rescissions under the Truth in Lending Act; to the Committee on Banking, Housing and Urban Affairs.

EC–678. A communication from the Comptroller of the Currency, transmitting, pursuant to law, a report relative to enforcement actions taken during calendar year 1994 under the Financial Institutions Reform, Recovery, and Enforcement Act; to the Committee on Banking, Housing and Urban Affairs.

EC–679. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation to provide for the certification by the Federal Aviation Administration of airports serving commuter air carriers, and for other purposes; to the Committee on Commerce, Science and Transportation.

EC–680. A communication from the Secretary of Commerce, transmitting, pursuant to law, the spectrum reallocation final report; to the Committee on Commerce, Science and Transportation.

EC–681. A communication from the Secretary of Energy, transmitting, a draft of proposed legislation to provide for the sale of oil from the Strategic Petroleum Reserve and the transfer of oil from Weeks Island, and for other purposes; to the Committee on Energy and Natural Resources.

EC–682. A communication from the Secretary of Energy, transmitting, pursuant to law, notice of intent to submit a report required under the Energy Policy Act of 1992; to the Committee on Energy and Natural Resources.

EC–683. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to enforcement actions and the comprehensive status of Exxon and stripper well oil overcharge funds; to the Committee on Energy and Natural Resources.

EC–684. A communication from the Chairman of the Pennsylvania Avenue Development Corporation, transmitting, a draft of proposed legislation to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes; to the Committee on Energy and Natural Resources.

EC–685. A communication from the Secretary of Energy, transmitting, pursuant to law, the 1993 annual report on low-level radioactive waste management; to the Committee on Energy and Natural Resources.

EC–686. A communication from the Secretary of Energy, transmitting, a draft of proposed legislation to enable Federal agencies to enter into energy savings performance contracts for cogeneration technologies that provide cost savings on future Government steam and electricity bills, and for other purposes; to the Committee on Energy and Natural Resources.

EC–687. A communication from the Deputy Administrator of the General Services Administration, transmitting, pursuant to law, a space situation report for Cambria County, PA; to the Committee on Environment and Public Works.

EC–688. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the Administration's Public Building Service Capital Investment and Leasing Program; to the Committee on Environment and Public Works.

EC–689. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on Medicare hospital outpatient prospective payment; to the Committee on Finance.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–56. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Banking, Housing, and Urban Affairs.

''SENATE JOINT RESOLUTION NO. 241

''Whereas, the use of credit cards is a convenient and increasingly popular method of paying for goods and services; and

''Whereas, the Virginia General Assembly has enacted legislation authorizing the Department of Motor Vehicles, the Department of Taxation, the Department of Alcoholic Beverage Control, the Supreme Court, and other state agencies to accept payment by credit cards for various taxes, fees, fines, and purchases; and

''Whereas, the Virginia General Assembly has also authorized counties, cities, and towns in the Commonwealth to accept payment by credit cards for local taxes and utility charges; and

''Whereas, agencies of the Commonwealth and local governments are also authorized to add to any payment made by credit card a service charge for the acceptance of such card in the amount charged to the agency or political subdivision as a result of the use of the credit card; and

''Whereas, credit card companies generally assess merchants a discount fee, which typically is equal to two percent of the transaction amount, on credit card transactions; and

''Whereas, credit card issuers have become increasingly insistent that state agencies and local governments bear the discount fees incurred in connection with credit card transactions; and

''Whereas, several political subdivisions of the Commonwealth, including the Counties of Arlington, Chesterfield, Loudoun and Pulaski and the City of Alexandria, and the Department of Motor Vehicles have been denied the ability to accept credit cards because of their insistence that the user of a credit card pay a service charge in the amount of the discount fee associated with the transaction; and

''Whereas, banks that allow agencies of the Commonwealth and local governments to deviate from the general prohibition on charging the card users the costs of using the credit card may be assessed penalties or have their credit card contracts terminated; and

''Whereas, it is unreasonable to apply to government entities the general policy prohibiting merchants from assessing card users with the discount fee because governments cannot absorb the impact of the discount fee by increasing the amounts charged to taxpayers and other customers; and

''Whereas, on May 19, 1993, Representative James P. Moran of Virginia's Eighth Congressional District sponsored, and Representative Frederick C. Boucher of Virginia's Ninth Congressional District co-sponsored, H.R. 2175, which would amend Chapter 2 of the Truth in Lending Act, 15 U.S.C. §1631, et seq., to prohibit issuers of credit cards from limiting the ability of governmental agencies to charge fees for honoring credit cards; and

''Whereas, H.R. 2175 was not reported out of the Committee on Banking, Finance and Urban Affairs during the 103rd Congress; and

''Whereas, the enactment of a federal law to prevent credit card issuers from prohibiting state agencies and local governments from charging fees for honoring credit cards will avoid the necessity that these entities either absorb the discount fees or refuse to honor credit cards; now, therefore, be it

''*Resolved by the Senate, the House of Delegates concurring,* That Congress be urged to amend the Truth in Lending Act to prohibit issuers of credit cards from limiting the ability of state agencies and local governments to charge fees for honoring credit cards; and, be it

''*Resolved further,* That the Clerk of the Senate transmit copies of this resolution to the President of the Senate of the United States, the Speaker of the United States House of Representatives, and the members of the Virginia Delegation to the United States Congress so that they may be apprised of the sense of the General Assembly on this matter.''

POM–57. A resolution adopted by the Council of the City of Westlake, Ohio relative to

telecommunications legislation; to the Committee on Commerce, Science, and Transportation.

POM–58. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Commerce, Science, and Transportation.

''SENATE JOINT RESOLUTION NO. 377

''Whereas, the Hampton Roads region is one of the fastest growing areas in the Commonwealth of Virginia, with 25 percent of the state's population; and

''Whereas, Hampton Roads is one of the principal economic engines for the Commonwealth home to major tourist attractions, vital defense installations, including the world's largest naval base, the USA Command Headquarters and the Air Combat Command, the Port of Hampton Roads, one of Virginia's greatest economic assets; and

''Whereas, the future economic development of Hampton Roads and thus in large part Virginia's future growth and prosperity bears a direct relationship to our ability to move people and goods rapidly; and

''Whereas, it is essential that Hampton Roads be connected to the transportation networks of the future, if we are to remain competitive in the emerging global economy; and

''Whereas, the Federal Railroad Administration has designated the Washington-Richmond-Charlotte rail corridor part of a proposed national network of high speed rail corridors; and

''Whereas, the Commonwealth of Virginia is currently studying the potential for high speed rail in the Washington to Newport News corridor; now, therefore, be it

''*Resolved by the Senate, the House of Delegates concurring,* That the Congress of the United States be hereby urged to provide for the linkage of both the Virginia Peninsula and Southside Hampton Roads to the developing national high speed rail system; and be it

''*Resolved further,* That the Clerk of the Senate transmit copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Virginia Congressional Delegation in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.''

POM–59. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Commerce, Science, and Transportation.

SENATE JOINT RESOLUTION NO. 268

''Whereas, Amtrak is an energy-efficient and environmental beneficial means of transportation, consuming about one-half as much energy per passenger mile as airline travel and causing less air pollution; and

''Whereas, Amtrak provides mobility to citizens of many smaller communities poorly served by air and bus service, as well as to senior citizens, disabled people, and people with medical conditions that preclude flying; and

''Whereas, on a passenger-mile basis, Amtrak is nine times safer than driving an automobile and operates safely even in severe weather conditions; and

''Whereas, the number of passengers using Amtrak rose 48 percent of 1982 to 1993, allowing Amtrak to dramatically improve coverage of its operating costs from revenues; and

''Whereas, expansion of Amtrak service by existing rail rights-of-way would cost less and use less land than either new highways or new airports and would further increase Amtrak's energy-efficiency advantage; and

''Whereas, federal investment in Amtrak has fallen in the last decade, while it has risen for both highways and airports; and

''Whereas, states may use highway trust fund money as an 80 percent federal match for a variety of non-highway programs, but they are prohibited from using such funds for Amtrak projects; and

''Whereas, Amtrak pays a federal fuel tax that commercial airlines do not pay; and

''Whereas, Amtrak workers and vendors pay more in taxes than the federal government invests in Amtrak; now, therefore, be it

''*Resolved by the Senate, the House of Delegates concurring,* That the President and Congress of the United States be urged to make no further reductions in funding for Amtrak; and, be it

''*Resolved further,* That the General Assembly request that Amtrak be excused from paying federal fuel taxes that the commercial airlines do not pay, that the states be permitted to use federal highway trust fund moneys on Amtrak projects if they so choose, and that federal officials include a strong Amtrak component in any plans for a national transportation system; and, be it

''*Resolved finally,* That the Clerk of the Senate transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly of Virginia.''

POM–60. A joint resolution adopted by the Legislation of the State of Maine; to the Committee on Commerce, Science, and Transportation.

JOINT RESOLUTION

''Whereas, the One Hundred and Fifteenth Legislation directed the Maine Department of Transportation to take all reasonably necessary actions to initiate passenger rail between Portland and Boston and to seek funding necessary in an amount not less than $40,000,000; and

''Whereas, the Federal Transit Administration and AMTRAK have committed a combined capital investment of $58,600,000 for the rehabilitation of the railroad corridor and for necessary rail-operating equipment; and

''Whereas, in 1992 the citizens of Maine approved a bond issue in the amount of $3,000,000 necessary to access the federally authorized funds for the initiation of this passenger rail service; and

''Whereas, Maine's communities of Portland, Saco, Old Orchard Beach and Wells have assumed responsibility in planning, development and construction of local transportation centers in support of the passenger rail service with connections to bus service and other transportation modes; and

''Whereas, conservative ridership demand forecasts that have been conducted in support of the passenger rail service verify this service to be a sound and viable financial investment for Maine; and

''Whereas, the Federal Transit Administration issued a ''Finding of No Significant Impact,'' finding no significant environmental impacts from the passenger rail service and further concluding that integrated rail and bus service is economically feasible in the Northeast corridor; and

''Whereas, increased passenger rail traffic, consistent with the federal directives of the federal Intermodal Surface Transportation Efficiency Act, will relieve pressure on Maine's highways and bridges, thereby promoting energy conservation, reduced vehicle emissions and reduced consumption of fossil fuels; and

''Whereas, Maine industries are petitioning the State to upgrade freight rail service to enhance their ability to access regional, national and global markets and this rail restoration will significantly improve the main rail line to Maine; now, therefore, be it

''*Resolved:* That We, your Memorialists, recommend and urge the President and the Congress of the United States to sustain and fulfill all of the previously approved and authorized financial commitments of the Federal Government for the reinstititution of passenger rail service between Portland and Boston; and be it further

''*Resolved:* That duly authenticated copies of this Memorial be submitted by the Secretary of State to the Honorable William J. Clinton, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation.''

POM–61. A concurrent resolution adopted by the Legislature of the State of Idaho; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION NO. 10

''Whereas, for more than forty years, the Idaho National Engineering Laboratory (INEL) has been a vital international center for nuclear reactor safety, research, development and reprocessing; and

''Whereas, the State of Idaho and the Idaho Legislature have consistently supported the traditional missions of the INEL and the significant and important role it plays in the economic livelihood of Idaho; and

''Whereas, the State of Idaho and its citizens have for more than four decades been good citizens and good neighbors to the Department of Energy and the federal government; and

''Whereas, nuclear waste has been, and may again in the near future be, shipped to Idaho with the commitment that this is a temporary storage destinations; and

''Whereas, twenty-four other states have more nuclear waste stored than in Idaho, so this issue is truly one of national concern and of public health, environmental safety and national security; and

''Whereas, there does not currently exist a permanent nuclear waste repository; and

''Whereas, a commitment was made to Governor Batt by federal officials that Idaho would not become the permanent repository which is as commitment Idahoans believe and is one that must be fulfilled by federal authorities; and

''Whereas, in meetings with federal officials, Governor Batt made it clear that he would commit every resource at his disposal to prevent Idaho from becoming a permanent repository for nuclear waste; and

''Whereas, Governor Batt has been working with Idaho's Congressional delegation and Senator Bennett Johnston of Louisiana to advance Senator Johnston's legislation which speeds the process of opening a permanent repository; and

''Whereas, the United States Department of Energy has committed additional funding for INEL health and safety monitoring by the State of Idaho and has assured Governor Batt of the continued cleanup and upgrade of existing INEL facilities and the Department of Energy is anxious to continue negotiations which will lead to removal of the waste from Idaho; and

''Whereas, failure to locate, site and construct a permanent nuclear waste facility would negatively impact Idaho, and would constitute a breach of faith by the federal authorities with the people of the State of Idaho: Now, therefore, be it

''*Resolved by the members of the First Regular Session of the Fifty-third Idaho Legislature, the House of Representatives and the Senate concurring therein*, That we support the efforts by Governor Batt to limit or prohibit the permanent storage of radioactive waste at the INEL and that the facility be maintained as a center for research, development and safety; be it further

''*Resolved*, That responsible federal authorities must continue the search for and select a permanent nuclear waste repository outside of the State of Idaho and that we urge the members of the congressional delegation representing the State of Idaho in the Congress to vigorously assert the Idaho position and assure that nuclear waste does not come to permanently remain in Idaho through default by the responsible federal authorities; be it further

''*Resolved*, That until meaningful progress is made on the search for a permanent repository for government owned spent fuel, including those fuels of Naval origin, that all shipments of fuel into Idaho be halted with Naval fuels to be stored at Naval shipyards and Department of Energy fuels to be stored at their point of origin; and be it further

''*Resolved*, That the Chief Clerk of the House of Representatives, be, and she is hereby authorized and directed to forward a copy of this resolution to the President of the United States, the Department of Energy, the Department of Defense, the Secretary of the Navy, the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.''

POM–62. A resolution adopted by the American Society of Mammalogists relative to acoustic pollution of the marine environment; the Committee on Environment and Public Works.

POM–63. A resolution adopted by the American Fisheries Society (Missouri Chapter) relative to the Clean Water reauthorization; to the Committee on Environment and Public Works.

POM–64. A resolution adopted by the American Fisheries Society (Missouri Chapter) relative to the Endangered Species Act reauthorization; to the Committee on Environment and Public Works.

POM–65. A resolution adopted by the American Fisheries Society (Missouri Chapter) relative to the National Biological Service; to the Committee on Environment and Public Works.

POM–66. A resolution adopted by the Legislature of the State of Idaho; to the Committee on Environment and Public Works.

''HOUSE JOINT MEMORIAL NO. 2

''Whereas, a viable National Highway System is critical to the ability of the states and their communities to attract new industry and to sustain economic growth, and to the ability of manufacturers to build and deliver products, and also for the accomplishment of direct national interests including interstate commerce, national defense and the competitive position of the states and the nation in international trade; and

''Whereas, the National Highway System carries over forty percent of the total vehicular miles of travel and over seventy percent of the commercial truck traffic in the United States, thereby constituting the ''backbone'' of the intermodal national transportation system;

''Whereas, the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 requires that after September 30, 1995, no federal funds may be made available for either the National Highway System or Interstate Maintenance Programs unless Congress has approved a law designating the National Highway System;

''Whereas, withholding these funds would create a severe financial impact on the transportation programs of Idaho and the other states and would disrupt delivery of needed transportation services to the public: Now, therefore, be it

''*Resolved by the members of the First Regular Session of the Fifty-third Idaho Legislature, the House of Representatives and the Senate concurring therein*, That we petition the United States Congress to approve the National Highway System, as submitted to the Congress previously, prior to September 30, 1995; and be it further

''*Resolved*, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Secretary of the United States Department of Transportation, the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.''

POM–67. A concurrent resolution adopted by the General Assembly of the State of Iowa; to the Committee on Environment and Public Works.

''SENATE CONCURRENT RESOLUTION NO. 6

''Whereas, the Missouri River is a major waterway of the United States, bordering the entire western side of the state of Iowa for more than 200 miles; and

''Whereas, the average volume of water that flows past the cities of Omaha, Nebraska, and Council Bluffs, Iowa, equals 32,120 cubic feet per second which is equivalent to approximately 23 million acre-feet per year; and

''Whereas, the drainage area above Omaha, Nebraska, and Council Bluffs, Iowa, equals 232,000 square miles; and

''Whereas, Iowa is one of the nation's preeminent agricultural states, and consistently one of the leading states in both corn and soybeans production; and

''Whereas, Iowa and other upper midwestern states bordering the Missouri River represent a major grain-producing region of the United States; and

''Whereas, the Missouri River is used to transport a significant proportion of the region's grain bound for export markets; and

''Whereas, the United States Army Corps of Engineers has completed a draft environmental impact statement, containing findings embodied in a United States Army Corps of Engineers study referred to as the Missouri River Master Water Control Manual Review and Update; and

''Whereas, the draft version of the environmental impact statement analyzes a new method of operation for the Missouri River system which will result in an additional flow of water in the spring, shorter navigation seasons, and further reductions in service to navigation; and

''Whereas, the rising river level in the spring as contemplated in the plan proposed by the United States Army Corps of Engineers will increase risks to land along the river by causing additional flooding, increasing groundwater tables, and reducing the effectiveness of drainage systems, including the effectiveness of gate valves along the river designed to facilitate drainage; and

''Whereas, the Missouri River contributes between 40 and 50 percent of the water flow to the Mississippi River south of the rivers' confluence, between St. Louis, Missouri, and Cairo, Illinois; and

''Whereas, the loss of water flow could reduce levels at the Port of St. Louis by two to five feet, creating significant increases in the cost of transporting grain exports throughout the middle Mississippi during peak shipping seasons; and

''Whereas, the barge share of grain movements to export ports increased from 43 percent in 1974 to 54 percent in 1991 and most of this barge grain traffic is on the Mississippi River system; and

''Whereas, reductions in support to navigation and the lack of water flowing into the river during dry or drought periods will reduce the commercial value of the Missouri River to an extent that the continued existence of vital barge traffic on the river will be jeopardized; Now therefore, be it

''*Resolved by the Senate, the House of Representatives concurring*, That the plan proposed by the United States Corps of Engineers to dramatically alter the operation of the Missouri River threatens land neighboring the river and the vitality of navigation on the river which is essential to commerce; and be it further

''*Resolved*, That the United States Army Corps of Engineers is urged to reevaluate its proposal and maintain the current operation of the river or consider an alternative plan that does not negatively impact upon Iowa and other states bordering the Missouri River; and be it further

''*Resolved*, That if the plan proposed by the United States Army Corps of Engineers is adopted administratively, that the Iowa congressional delegation cooperate to take all actions necessary to ensure that moneys are not made available for the proposal's implementation; and be it further

''*Resolved*, That copies of this resolution be sent to the President of the United States; the Chief of Engineers, United States Army Corps of Engineers; the Missouri River Division Commander, United States Army Corps of Engineers; the President of the United States Senate; the Speaker of the United States House of Representatives; and members of Iowa's congressional delegation.''

POM–68. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Environment and Public Works.

''JOINT RESOLUTION

''Whereas, the federal Clean Air Act requires that each state in which moderate ozone nonattainment areas are located submit a revision to the state's implementation plan to provide for a 15% reduction of volatile organic compound emissions by November 15, 1996; and

''Whereas, this requirement applies to the State of Maine; and

''Whereas, a significant portion of the volatile organic compound emissions present in the State have been transported from other states; and

''Whereas, the programs necessary to achieve the required reduction in emissions will result in an immense economic burden on the citizens of the State of Maine; now, therefore, be it

''*Resolved*, That, We, your Memorialists, respectfully urge and request the United States Congress to enact legislation that eliminates the requirement that Maine achieve a 15% reduction of volatile organic compound emissions; and be it further

''*Resolved*, That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to each member of the Maine Congressional Delegation.''

POM–69. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Environment and Public Works.

''JOINT RESOLUTION

''Whereas, we, your Memorialists, the Members of the One hundred and Seventeenth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the Members of Congress of the United States, as follows:

''Whereas, as 7 counties in Maine were determined by the federal Environmental Protection Agency as moderate nonattainment areas required by the federal Clean Air Act Amendments of 1990, Section 182(B), (1), to submit a state implementation plan to meet the requirements of that Act; and

''Whereas, as 4 Maine counties may no longer fall under the federal Environmental Protection Agency guidelines as nonattainment areas causing a necessary change in the State's implementation plan; and

''Whereas, as the State of Maine is currently in a contract for IM/240 testing based on the original determination of the federal Environmental Protection Agency for the necessity of IM/240 testing in nonattainment areas; and

''Whereas, the federal Environmental Protection Agency is currently making a full reevaluation of the necessity of the testing; and

''Whereas, conclusive scientific data showing the extent of out-of-state airborne pollutants coming into Maine from outside sources is still being accumulated; and

''Whereas, the State values its heritage of clean air for the health, safety and well-being of our citizens, environment and economy, and needs time to structure an appropriate and cost effective plan that works best for Maine's unique assets and needs; now, therefore, be it

''*Resolved,* That We, your Memorialists, respectfully petition and urgently seek your support to request a one-year suspension of the July 26, 1995 deadline for sanctions against the State of Maine; and be it further

''*Resolved,* That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation.''

POM–70. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Environment and Public Works.

''SENATE JOINT RESOLUTION NO. 13

''Whereas, Bruce R. Thompson served with distinction as a United States District Judge in Nevada for nearly 30 years; and

''Whereas, Bruce R. Thompson, throughout his distinguished career as an attorney and a judge, exemplified the highest ideals of the legal profession; and

''Whereas, Bruce R. Thompson was widely recognized as an esteemed and gifted jurist who epitomized judicial wisdom and decorum; and

''Whereas, Bruce R. Thompson served Nevada not only as a judge but also as an active and outstanding member of the civic community; and

''Whereas, Overwhelming and unprecedented community support exists to pay tribute to Bruce R. Thompson as a preeminent Nevadan and jurist; now, therefore, be it

''*Resolved by the Senate and Assembly of the State of Nevada, jointly,* That the members of the 68th session of the Nevada Legislature hereby urge Congress to name the new federal courthouse under construction in the City of Reno the ''Bruce R. Thompson Federal Courthouse''; and be it further

''*Resolved,* That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

''*Resolved,* That this resolution becomes effective upon passage and approval.''

POM–71. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Environment and Public Works.

SENATE JOINT RESOLUTION NO. 329

''Whereas, the Ozone Transport Commission (OTC) has recommended to the federal Environmental Protection Agency (EPA) the imposition of a low-emission vehicle (LEV) program throughout the northeastern United States, including Northern Virginia, an action to which the General Assembly of Virginia, in House Joint Resolution No. 1 of the 1994 Regular Session, has already expressed its opposition; and

''Whereas, use of subsidies, selective tax benefits, or other financial incentives are appropriate means of encouraging the development of alternative fuel technologies and their accompanying infrastructure and stimulating a market for alternative fuel vehicles; and

''Whereas, experience has disclosed a tendency for the Clean Air Act Amendments (CAAA), the federal Energy Policy Act (EPACT), and EPA regulations to be used by the federal bureaucracy to impose mandates upon the states without any consultation or consideration of state legislatures or other elected representatives of the people who will ultimately have to bear the financial and other costs of these mandates; and

''Whereas, the final decision on the appropriateness of such mandates as part of an air pollution control and reduction program should be left in the hands of state legislators and other elected representatives of affected people, and not be imposed by the federal bureaucracy; now, therefore, be it

''*Resolved by the Senate, the House of Delegates concurring,* That the Congress of the United States be hereby memorialized to refrain from imposing upon the states, through the medium of the Clean Air Act Amendments of 1990, the Energy Policy Act of 1992, or federal regulations, any program of mandates except after consultation with and the cooperation of the legislatures of the affected states; and be it

''*Resolved further,* That the Clerk of the Senate transmit copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Virginia Congressional Delegation in order that they may be apprised of the sense of the General Assembly in this matter.''

POM–72. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Environment and Public Works.

SENATE JOINT RESOLUTION NO. 297

''Whereas, the Commonwealth acquired lands and established False Cape State Park in Virginia Beach for the purpose of conserving the natural and cultural values of these lands and making these lands available for the beneficial use of Virginians and their guests; and

''Whereas, the United States Government, through the Department of Interior, assisted the Commonwealth in the acquisition and development of this state park with the full understanding that the Park would require reasonable and permanent access through the lands of Back Bay National Wildlife Refuge; and

''Whereas, the Commonwealth has acted in good faith on numerous occasions to attempt to establish reasonable access to the Park, including the Virginia legislature's endorsement of park management guidelines and authorization to negotiate land exchange agreements with the federal government; and

''Whereas, the federal government has consistently thwarted the efforts of the Commonwealth to establish reasonable access to the Park by placing such unreasonable demands upon the Commonwealth as (i) requiring that disproportionate amounts of state land be exchanged for federal lands, (ii) placing an unreasonably high valuation on federal lands as compared to state lands, and (iii) imposing the Refuge's vehicle-permitting requirements on resident park employees; and

''Whereas, although limited access through the Refuge to the Park has existed on an interim basis for many years, the federal government has recently taken action to severely reduce this access, ostensibly basing this decision on a study conducted by employees of the National Wildlife Refuge, which is flawed in its methodology and conclusions; and

''Whereas, the Commonwealth has steadfastly managed its property at False Cape State Park in a manner which (i) exhibits good conservation practices and good stewardship, resulting in the protection and enhancement of one of the last barrier spit ecosystems and (ii) serves the mission of the Park and greatly enhances the mission of Back Bay National Wildlife Refuge; now, therefore, be it

''*Resolved by the Senate, the House of Delegates concurring,* That the Congress of the United States be hereby requested to support, through the passage of federal legislation, if needed, the establishment of a permanent access corridor through Back Bay National Wildlife Refuge to False Cape State Park. The establishment of this corridor should guarantee legal access to the Park and should not be subject to revocation or further restrictions by the federal government; and, be it

''*Resolved further,* That the Clerk of the Senate transmit copies of this resolution to the President of the United States Senate, the Speaker of the House of Representatives, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the Virginia General Assembly in this matter.''

REPORTS OF COMMITTEES

The following reports of committees was submitted:

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources:

Special Report entitled ''Legislative Activities of the Committee on Labor and Human Resources, U.S. Senate, During the 103d Congress, 1993–94'' (Rept. No. 104–22).

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 652. An original bill to provide for a pro-competitive, de-regulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to

competition, and for other purposes (Rept. No. 104–23).

By Mr. STEVENS, from the Committee on Rules and Administration, with an amendment in the nature of a substitute:

S. Res. 24. A resolution providing for the broadcasting of press briefings on the floor prior to the Senate's daily convening.

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. LOTT (for himself, Mr. BURNS, Mr. COCHRAN, Mr. CRAIG, Mr. FAIRCLOTH, Mr. HATCH, Mr. INHOFE, Mr. KYL, Mr. MACK, Mr. MURKOWSKI, and Mr. SHELBY):

S. 647. A bill to amend section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 to require phasing-in of certain amendments of or revisions to land and resource management plans, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. COHEN (for himself, Mr. D'AMATO, Mr. BENNETT, and Mr. FAIRCLOTH):

S. 648. A bill to clarify treatment of certain claims and defenses against an insured depository institution under receivership by the Federal Deposit Insurance Corporation, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SIMON (for himself, Mr. MCCAIN, Mr. MACK, Ms. MOSELEY-BRAUN, Mr. WARNER, Mr. PELL, Mr. INOUYE, Mr. MOYNIHAN, Mr. DODD, Mr. KENNEDY, Mr. LEAHY, Mr. LAUTENBERG, Mr. LEVIN, Mr. BINGAMAN, Ms. MIKULSKI, Mr. GRAHAM, Mr. JEFFORDS, Mr. ROBB, Mr. AKAKA, and Mr. WELLSTONE):

S. 649. A bill to authorize the establishment of the National African American Museum within the Smithsonian Institution, and for other purposes; to the Committee on Rules and Administration.

By Mr. SHELBY (for himself, Mr. MACK, Mr. D'AMATO, Mr. BRYAN, Mr. BENNETT, Mr. FAIRCLOTH, Mr. BOND, Mr. GRAMM, and Mr. DOLE):

S. 650. A bill to increase the amount of credit available to fuel local, regional, and national economic growth by reducing the regulatory burden imposed upon financial institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MCCAIN:

S. 651. A bill to establish the Office of the Inspector General within the General Accounting Office, modify the procedure for congressional work requests for the General Accounting Office, establish a Peer Review Committee, and for other purposes; to the Committee on Governmental Affairs.

By Mr. PRESSLER:

S. 652. An original bill to provide for a procompetitive, de-regulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition, and for other purposes; from the Committee on Commerce, Science, and Transportation; placed on the calendar.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 653. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel AURA; to the Committee on Commerce, Science, and Transportation.

S. 654. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel SUNRISE; to the Committee on Commerce, Science, and Transportation.

S. 655. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel MARANTHA; to the Committee on Commerce, Science, and Transportation.

S. 656. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel QUIETLY; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. THOMAS (for himself and Mr. ROBB):

S. Res. 97. A resolution expressing the sense of the Senate with respect to peace and stability in the South China Sea; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LOTT (for himself, Mr. BURNS, Mr. COCHRAN, Mr. CRAIG, Mr. FAIRCLOTH, Mr. HATCH, Mr. INHOFE, Mr. KYL, Mr. MACK, Mr. MURKOWSKI, and Mr. SHELBY):

S. 647. A bill to amend section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 to require phasing-in of certain amendments of or revisions to land and resource management plans, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

TIMBER RESOURCE MANAGEMENT LEGISLATION

Mr. LOTT. Mr. President, it is time to require the U.S. Forest Service to act in a responsible manner when amending it's forest management plans and prior to revising its land and resource management plans.

It is unfortunate that it is necessary to legislate this requirement, but past performance such as red cockaded woodpecker in the South and the spotted owl in the Northwest has made this necessary.

Today is a special day. Six years ago is when the U.S. Forest Service unilaterally implemented arbitrary changes to forest management plans in the southern region and ignored one of its missions by reducing timber harvesting. And for 6 years elected officials have worked to reestablish responsible management.

I am reintroducing my resolution which was adopted in the last Congress. However, this time my legislation will formally amend the National Forest Management Act of 1976.

In 10 words or less my bill will: ''require the Forest Service to phase-in forest management plan changes.'' That is all.

This legislation will not prevent the Forest Service, or any other Federal agency, from taking actions to protect endangered species.

This legislation will not change one environmental statute.

This legislation will not gut any environmental policies.

This legislation will not jeopardize any efforts to protect endangered species.

In fact, I would argue it will cause a greater public acceptance, awareness, and respect for environmental policies.

This legislation merely dictates common sense to ensure a balanced and economically responsible plan is established.

Let me be very clear, if my colleagues have a national forest in their State, then they have a potential problem.

Previous forest management policy changes have failed to anticipate societal consequences on communities and families. Severe economic devastation occurred.

I am not talking about hypothetical situations. Talk to the people in timber communities in Oregon, Washington, and Liberty County, FL. This is real and this is not smart.

In the last Congress, I saw a number of legislative provisions adopted to help communities already destroyed by changes in how forests are managed. These legislative solutions were expensive and necessary. It is an unfortunate thing that they were required, but let members not perpetuate this reactive legislative mode.

This legislative goal is to avoid having to enact expensive remedies after the fact. Congress needs to get in front of the problems caused by the Forest Service.

The legislation I am introducing here today has a goal of avoiding having to enact expensive remedies after the fact. Congress needs to get in front of the problems caused by the Forest Service.

This legislation involves an uncomplicated inexpensive four criteria phase-in process. In fact, it was examined by the Department of Agriculture when it was a resolution last year. All of its concerns were incorporated in the language that was accepted in the last day of the session.

This legislation is straightforward.

This legislation ensures that common sense and economic issues are factored into policies which change forest management plans.

This legislation will preclude devastating economic impacts from public policies by suddenly reducing annual timber harvests. This produces significant job losses and financial ruin. It damages schools. In small communities it has unbelievable consequences quite often when it is just put into effect without proper consideration.

It makes sense to create a cost effective and smooth glidepath for timber-dependent communities as forest management plans are changed. It makes double sense to do this upfront, not after families and communities have been disrupted, devastated, and damaged in many ways.

The bill will restore the essential balance which the Forest Service must maintain. The Forest Service must not emphasize a single mission at the expense of other resources.

The bill will not challenge or prohibit the policies which protect our public forests. Rather it recognizes and explicitly acknowledges that our national forests have a multiple use mission which cannot be ignored. I think we have been slipping away from that in recent years.

The legislative approach in a word is ''cash-flow.'' It means that the forest to be set aside will provide for just the habitat of the existing colony of the endangered species.

We have had a recent proposal that 100,000 acres in the district of a national forest be set aside for a colony of red cockaded woodpeckers. I thought a colony was maybe 1,000 birds or something for 100,000 acres. It was five—five birds. Common sense is what we are asking for here in our forest management policy.

The set-aside would then increase, based on the growth of the population of the protected species. This means that the original set-aside will not be based on the size of the final colony, a goal which may not be reached for generations.

However, the Forest Service, under current policies, will immediately set aside the full habitat area—100,000 acres perhaps—for foraging, even though the species population will not require this area for well into the next century, maybe never. This is neither environmentally nor economically sound.

The Forest Service approach is an arrogant abuse of public assets entrusted to them. I believe current Forest Service practices are counterproductive to public acceptance of environmental policies.

I urge my colleagues to take a close look at this legislation. I will be looking for a way to move it. We had broad bipartisan support last year when it was just a resolution. I hope that we can find a bill that we can attach it to. If not, I will be looking for a vehicle to offer it as an amendment.

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. 647

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

SECTION 1. PHASING-IN OF AMENDMENTS OF AND REVISIONS TO LAND AND RESOURCE MANAGEMENT PLANS.

(a) IN GENERAL.—Section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) is amended by adding at the end the following:

''(n) PHASING-IN OF CHANGES TO LAND AND RESOURCE MANAGEMENT PLANS.—

''(1) IN GENERAL.—When the Secretary amends or revises a land or resource management plan with the purpose of increasing the population of a species in a unit of the National Forest System or in any area within a unit, the Secretary shall, to the greatest extent practicable and except when there is an imminent risk to public health, phase in the amendment or revision over an appropriate period of time determined on the basis of the considerations described in paragraph (2).

''(2) CONSIDERATIONS.—The considerations referred to in paragraph (1) are—

''(A) the social and economic consequences to local communities of any new policy contained in an amendment or revision;

''(B) the length of time needed to achieve the population increase that is the objective of the amendment or revision;

''(C) the cost of implementation of the amendment or revision; and

''(D) the financial resources available for implementation of the amendment or revision.''.

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply to any amendment of or revision to a land or resource management plan described in the amendment that is proposed on or after the date of enactment of this Act or that has been proposed but not finally adopted prior to the date of enactment.

By Mr. COHEN (for himself, Mr. D'AMATO, Mr. BENNETT, and Mr. FAIRCLOTH):

S. 648. A bill to clarify treatment of certain claims and defenses against an insured depository institution under receivership by the Federal Deposit Insurance Corporation, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE D'OENCH DUHME REFORM ACT

Mr. COHEN. Mr. President, I rise today to introduce the D'Oench Duhme Reform Act. I think it is safe to say that very few Members of this body have ever heard of the D'Oench Duhme doctrine, or understand why the Senate should spend its time reforming this arcane area of Federal banking law. But I submit that the problems that have arisen with respect to D'Oench Duhme are symptomatic of the more general problem that we see today of government acting without regard to the impact of its actions on the citizenry. Governmental arrogance of this sort corrodes public confidence in its political institutions and hinders the ability of government to act in the public interest. So the bill I introduce today has two purposes: It aims to fix a legal doctrine that has victimized hundreds of innocent people. But it also is designed to help restore confidence in government in general by reforming a law that is fundamentally unfair.

I am very pleased to announce that Senators D'AMATO, BENNETT, and FAIRCLOTH are joining me as original cosponsors of the D'Oench Duhme Reform Act. I look forward to working with them as the bill is considered in the Banking Committee.

The D'Oench Duhme doctrine is based on a 1942 Supreme Court case and a Federal statute enacted in 1950. The original purpose of the doctrine was to protect the interests of Federal bank regulatory agencies by making secret side agreements that do not appear in the records of an insured bank unenforceable when a bank fails and banking agency is appointed receiver.

Over the years, however, this salutary purpose has been perverted into a national policy allowing the FDIC and RTC to slam the courthouse door in the face of litigants asserting claims and defenses that have nothing to do with secret side agreements. In many cases, the claimants have been victims of fraud by bank officials. Nonetheless, if the litigants' claims or defenses were based in any way on oral, unrecorded representations, the FDIC and RTC have successfully used D'Oench Duhme to lower the boom and get the claims dismissed. Individuals are abused twice—once by the bank and then again by the Government. The sad fact is that these individuals often think that they have been treated worse by the FDIC or RTC than they were by the bank that defrauded them.

In January, the Subcommittee on the Oversight of Government Management, which I chair, held a hearing on the FDIC and RTC's misapplication of this powerful legal doctrine. The subcommittee heard testimony from individuals who have been victimized by the FDIC and RTC's use of D'Oench Duhme, an attorney who has represented dozens of clients against these agencies, and a panel of legal scholars. All of these witnesses documented that the Federal courts, at the urging of the FDIC and RTC, have expanded the doctrine in a way that has led to fundamentally unfair, and unjustifiable, results.

I was especially struck by the testimony a professor who had represented the FDIC in a case where an elderly couple had obviously been victimized by officers of a savings and loan. In fact, the officers of the S&L were eventually convicted on 30 counts of bank fraud. Nonetheless, the professor succeeded in getting the elderly couple's civil case against the FDIC dismissed pursuant to the D'Oench Duhme doctrine. The patent unfairness of this result led the professor to write a law review article criticizing the unjustified expansion of the D'Oench doctrine.

I also want to remind the Senate of an extraordinary case from Boston involving Rhetta and John Sweeney that I brought to the Senate's attention last summer. After a lengthy trial in State court, in which a jury decided the Sweeney's were liable on a mortgage, the trial court in a separate decision ruled that they had been defrauded by ComFed bank and won a $3 million verdict. But when ComFed failed and the RTC took over as receiver, the case

was removed to Federal court days before the court's decision was written, and then dismissed based under D'Oench Duhme. Now the Sweeneys are now facing the loss of their family home. For the Sweeneys, D'Oench Duhme has meant just that—doom.

These examples are just the tip of the iceberg. D'Oench Duhme has been invoked by the FDIC to bar claims in approximately 5,145 cases since 1989. Countless other claimants probably have not even bothered to file claims based on their knowledge of the sweeping power of the D'Oench doctrine. These claimants may not have valid claims, but at least they should have the chance to have their cases heard on the merits.

The current law is unfair and arbitrary. Bank customers are permitted to assert claims and defenses based on oral representations against solvent banks, but a different law—D'Oench Duhme—applies once a bank becomes insolvent.

The FDIC and RTC have arrogated to themselves power that has not been granted to them by Congress. They have done so based on the belief that Congress wants them to resolve failed institutions as inexpensively as possible. But Congress did not authorize the FDIC and RTC to trample over individual rights for the purpose of reducing the cost of bank and thrift failures. The whole purpose of the bank insurance system has been secure public confidence in the banking system and spread the cost of bank failures to the public as a whole. D'Oench Duhme undermines both purposes. It degrades public confidence in the banking system by permeating the resolution process with fundamental unfairness. It also places a disproportionate share of the burden of bank failure on individuals who have done nothing wrong but to have had the misfortune of choosing to do business with a bank that eventually failed.

The legislation I am introducing today will correct this inequity. Its purpose is to restore D'Oench Duhme to its original, narrow purpose. Consequently, the bill continues to bar claims and defenses based on secret side agreements entered into by bank insiders. But the bill provides relief victims of bank fraud by opening the courthouse doors and allowing them to have their day in court.

Reform of the D'Oench Duhme doctrine is necessary to restore fundamental fairness to our banking law. Mr. President, I urge my colleagues to support this measure.

Mr. President, I ask unanimous consent that a section-by-section analysis be printed in the RECORD.

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

SECTION-BY-SECTION ANALYSIS

SECTION 1—SHORT TITLE

SECTION 2—FINDINGS AND PURPOSES

This section explains that under current law, federal banking agencies can use two separate lines of authority to bar claims brought against them, a federal common law doctrine developed pursuant to the Supreme Court case D'Oench Duhme & Co. v. FDIC (1942), and a federal statute, section 13(e) of the Federal Deposit Insurance Act (''FDIA''). This section represents a congressional finding that the use of these authorities by federal banking agencies have led to fundamentally unfair results because individuals with potentially valid claims and defenses against depository institutions have been barred from bringing such claims when the institutions fail and are taken over by federal banking agencies.

This section also states that the purposes of the bill are to unify the two doctrines so that all cases are handled according to the federal statute and modify the statute so that certain intentional tort and other claims and defenses may be adjudicated on the merits.

SECTION 3—CLARIFICATION

This section amends section 13(e) of the FDIA as follows:

Section (e)(1) provides that agreements relating to assets acquired by federal banking agencies during a receivership, conservatorship, or by purchase and assumption, are not enforceable against the agency unless they are in writing and were executed in the normal course of business. This section changes current laws by streamlining the recordation requirements that must be met for an agreement to be enforceable against the federal banking agencies.

Section (e)(2) clarifies that certain claims and defenses may be raised against the federal banking agencies, despite the fact that unwritten agreements are made unenforceable under section (e)(1). These claims and defenses include claims that do not relate to an asset acquired by the Corporation, claims that relate to transactions that would not normally be recorded in the official records of a depository institution, and claims commenced before the appointment of a receiver or conservator. In addition, intentional tort claims and claims based on state or federal statutory law may be filed against the federal banking agencies after their appointment as receiver or conservator so long as the parties asserting the claims did not participate in a scheme to defraud bank officials or federal bank examiners.

Section (e)(3) overrules a number of federal cases which hold that the federal banking agencies should be treated as if they were ''holders in due course'' and therefore immunized from certain categories of claims and defenses. This section clarifies that a federal banking agency may only be considered a ''holder in due course'' if it meets all the requirements for such status under the applicable state law.

Section (e)(4) provides that agreements for the sale or purchase of goods and services are enforceable against the federal banking agencies.

SECTION 4—REPEAL

This section repeals section 11(d)(9) of the FDIA because it would be rendered redundant by other sections of the bill.

SECTION 5—CONFORMING AMENDMENTS

SECTION 6—APPLICABILITY

This section provides that the bill will apply retroactively to all claims and litigation in progress on or after October 19, 1993.

Mr. D'AMATO. Mr. President, I rise today in support of the legislation sponsored by my esteemed colleague from Maine, Senator COHEN, to reform the legal doctrine known as D'Oench, Duhme. This doctrine has been expanded by banking agencies and courts far beyond it original intent. D'Oench, Duhme robs citizens of legal defenses after they have been defrauded by their lending institutions, and those institutions have, in turn, been taken over by the FDIC and RTC.

In 1942, the Supreme Court decided D'Oench, Duhme & Co. versus FDIC. D'Oench, Duhme & Co.—''D'Oench''—executed unconditional promissory notes to the Bellville Bank & Trust Co. O'Oench entered into a secret agreement with the bank that the notes would not be called for payment. In 1938, the bank failed and the FDIC acquired the notes. The FDIC demanded payment and learned of the secret agreement. The Court held that the notes were enforceable and dismissed the agreement between D'Oench and the bank.

In 1950, Congress attempted to codify the D'Oench, Duhme doctrine in the Federal Deposit Insurance Act [FDIA]. The statute set forth requirements for agreements which would defeat the interest of the FDIC in an asset of an acquired institution. Such agreements are unenforceable unless they are in writing, have been formally recorded in bank records, and have been approved by the bank's board of directors.

The statute expanded the D'Oench decision by allowing the FDIC to use the doctrine against borrowers who did not commit fraud or enter into a secret agreement. However, the statute limited the doctrine by applying it only to the FDIC's interest in an acquired asset.

The D'Oench, Duhme doctrine was originally adopted to protect taxpayers from secret agreements between banks and borrowers. Narrowly construed, D'Oench, Duhme allows the FDIC and RTC to collect on an institution's loans and save taxpayer dollars. Unfortunately, the doctrine has been distorted into a weapon against innocent fraud victims.

Under the D'Oench, Duhme doctrine, courts have routinely ignored the asset requirement for consideration. Courts have also regularly applied the doctrine to innocent borrowers who did not commit fraud or enter into secret agreements. Some courts have granted the FDIC and RTC the status of holder in due course. A party who gains this status takes an instrument free from virtually any defenses. Therefore, a holder in due course is immune to a defense of fraud in the inducement, as well as any of the other personal defenses. It makes no sense to punish fraud victims for the misconduct of their lending institution, but that is exactly what the doctrine does.

The Federal banking agencies have zealously applied the D'Oench, Duhme doctrine. Cleaning services and other private vendors have not been paid because the agencies have used the doctrine to avoid making payments to them. Innocent small businesses should not be left bankrupt because the institution which hired them was taken over by the FDIC and RTC.

The D'Oench, Duhme Reform Act would amend the FDIA to ensure that fraud victims can assert valid legal defenses. Claims commenced before the appointment of an agency as receiver would not be cut short by D'Oench, Duhme. Fraud claims could be asserted after the appointment of an agency only if the party asserting the claim did not participate in any part of the fraud.

Under this bill, the Federal banking agencies could not gain the status of a holder is due course unless they meet the requirements for such status under the applicable state law. Agreements made by a lending institution for the purchase of goods and services would be enforceable against the FDIC and RTC.

The D'Oench, Duhme Reform Act would not automatically grant relief to people who claim they were defrauded. Secret agreements would remain unenforceable. This bill would simply give fraud victims their day in court.

Mr. President, innocent people are losing their homes and businesses. Hardworking, honest people are defrauded, and then they are victimized again by the banking agencies. The FDIC and RTC are railroading these people into foreclosure. This practice is grossly unfair and must be stopped. Mr. President, the D'Oench, Duhme Reform Act will do just that.

By Mr. SIMON (for himself, Mr. MCCAIN, Mr. MACK, Ms. MOSELEY-BRAUN, Mr. WARNER, Mr. PELL, Mr. INOUYE, Mr. MOYNIHAN, Mr. DODD, Mr. KENNEDY, Mr. LEAHY, Mr. LAUTENBERG, Mr. LEVIN, Mr. BINGAMAN, Ms. MIKULSKI, Mr. GRAHAM, Mr. JEFFORDS, Mr. ROBB, Mr. AKAKA, and Mr. WELLSTONE):

S. 649. A bill to authorize the establishment of the National African American Museum within the Smithsonian Institution, and for other purposes; to the Committee on Rules and Administration.

THE NATIONAL AFRICAN AMERICAN MUSEUM ACT

Mr. SIMON. Mr. President, I reintroduced a bill that would authorize the establishment of an African-American Museum within the Smithsonian Institution. My colleague, Congressman JOHN LEWIS, offered the companion measure in the House on February 1, 1995.

The purpose of this legislation is to inspire and educate our Nation and the world about the cultural legacy of African-Americans and the contributions made by African-Americans.

Throughout American history, two racial groups—African-Americans and native Americans—have been consistently mistreated and underrepresented. To help make up for this mistreatment, a memorial to the native American experience has already been authorized. This legislation would commemorate the African-American community and experience.

There are many wonderful private museums that are dedicated to the preservation and presentation of the African-American art, culture and history. These museums contribute greatly to their communities, and should continue. On a different scale, however, there should be a national African-American Museum. We need an institution that can serve as a national and international center.

A national museum dedicated to education and research would provide a broader and better understanding of the contributions made by African-Americans. The inadequate presentation and preservation of African-American life, art, history and culture undermines the ability of Americans to understand themselves and their past.

With a better understanding of our collective past, we will be a stronger Nation. There are many issues abroad and at home that clamor for our immediate attention. To face these issues, we need a comprehensive understanding of our history.

Of the 30 million visitors to the Smithsonian every year, many are from other countries. After visiting the African-American museum, these travelers will have a more complete understanding of our Nation.

Mr. President, I recognize that these are times of fiscal constraint. This legislation does not require any additional appropriation.

Currently, one corner of the Smithsonian's Arts and Industries Building has been set aside for the African-American Museum project. Claudine Brown, the project's current director, and her staff have worked hard on this temporary exhibit. Ms. Brown will soon be leaving the project to return to New York. Her contribution has helped to lay the foundation upon which we can now build.

I was disappointed last Congress when this legislation did not pass the Senate prior to adjournment last Congress. That unfortunate outcome, however, makes our renewed initiative all the more pressing. I urge my colleagues to join me in support of the National African American Museum Act.

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. 649

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 African American Museum Act''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) the presentation and preservation of African American life, art, history, and culture within the National Park System and other Federal entities are inadequate;

(2) the inadequate presentation and preservation of African American life, art, history, and culture seriously restrict the ability of the people of the United States, particularly African Americans, to understand themselves and their past;

(3) African American life, art, history, and culture include the varied experiences of Africans in slavery and freedom and the continued struggles for full recognition of citizenship and treatment with human dignity;

(4) in enacting Public Law 99–511, the Congress encouraged support for the establishment of a commemorative structure within the National Park System, or on other Federal lands, dedicated to the promotion of understanding, knowledge, opportunity, and equality for all people;

(5) the establishment of a national museum and the conducting of interpretive and educational programs, dedicated to the heritage and culture of African Americans, will help to inspire and educate the people of the United States regarding the cultural legacy of African Americans and the contributions made by African Americans to the society of the United States; and

(6) the Smithsonian Institution operates 15 museums and galleries, a zoological park, and 5 major research facilities, none of which is a national institution devoted solely to African American life, art, history, or culture.

SEC. 3. ESTABLISHMENT OF THE NATIONAL AFRICAN AMERICAN MUSEUM.

(a) ESTABLISHMENT.—There is established within the Smithsonian Institution a Museum, which shall be known as the ''National African American Museum''.

(b) PURPOSE.—The purpose of the Museum is to provide—

(1) a center for scholarship relating to African American life, art, history, and culture;

(2) a location for permanent and temporary exhibits documenting African American life, art, history, and culture;

(3) a location for the collection and study of artifacts and documents relating to African American life, art, history, and culture;

(4) a location for public education programs relating to African American life, art, history, and culture; and

(5) a location for training of museum professionals and others in the arts, humanities, and sciences regarding museum practices related to African American life, art, history, and culture.

SEC. 4. LOCATION AND CONSTRUCTION OF THE NATIONAL AFRICAN AMERICAN MUSEUM.

The Board of Regents is authorized to plan, design, reconstruct, and renovate the Arts and Industries Building of the Smithsonian Institution to house the Museum.

SEC. 5. BOARD OF TRUSTEES OF MUSEUM.

(a) ESTABLISHMENT.—There is established in the Smithsonian Institution the Board of Trustees of the National African American Museum.

(b) COMPOSITION AND APPOINTMENT.—The Board of Trustees shall be composed of 23 members as follows:

(1) The Secretary of the Smithsonian Institution.

(2) An Assistant Secretary of the Smithsonian Institution, designated by the Board of Regents.

(3) Twenty-one individuals of diverse disciplines and geographical residence who are committed to the advancement of knowledge of African American art, history, and culture, appointed by the Board of Regents, of whom 9 members shall be from among individuals nominated by African American museums, historically black colleges and universities, and cultural or other organizations.

(c) TERMS.—

(1) IN GENERAL.—Except as provided in paragraph (2), members of the Board of Trustees shall be appointed for terms of 3 years. Members of the Board of Trustees may be reappointed.

(2) STAGGERED TERMS.—As designated by the Board of Regents at the time of initial appointments under paragraph (3) of subsection (b), the terms of 7 members shall expire at the end of 1 year, the terms of 7 members shall expire at the end of 2 years, and the terms of 7 members shall expire at the end of 3 years.

(d) VACANCIES.—A vacancy on the Board of Trustees shall not affect its powers and shall

be filled in the manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of the member was appointed shall be appointed for the remainder of the term.

(e) NONCOMPENSATIO++N.—Except as provided in subsection (f), members of the Board of Trustees shall serve without pay.

(f) EXPENSES.—Members of the Board of Trustees shall receive per diem, travel, and transportation expenses for each day, including travel time, during which such members are engaged in the performance of the duties of the Board of Trustees in accordance with section 5703 of title 5, United States Code, with respect to employees serving intermittently in the Government service.

(g) CHAIRPERSON.—The Board of Trustees shall elect a chairperson by a majority vote of the members of the Board of Trustees.

(h) MEETINGS.—The Board of Trustees shall meet at the call of the chairperson or upon the written request of a majority of its members, but shall meet not less than 2 times each year.

(i) QUORUM.—A majority of the Board of Trustees shall constitute a quorum for purposes of conducting business, but a lesser number may receive information on behalf of the Board of Trustees.

(j) VOLUNTARY SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the chairperson of the Board of Trustees may accept for the Board of Trustees voluntary services provided by a member of the Board of Trustees.

SEC. 6. DUTIES OF THE BOARD OF TRUSTEES OF THE MUSEUM.

The Board of Trustees shall—

(1) recommend annual budgets for the Museum;

(2) consistent with the general policy established by the Board of Regents, have the sole authority to—

(A) loan, exchange, sell, or otherwise dispose of any part of the collections of the Museum, but only if the funds generated by such disposition are used for additions to the collections of the Museum or for additions to the endowment of the Museum;

(B) subject to the availability of funds and the provisions of annual budgets of the Museum, purchase, accept, borrow, or otherwise acquire artifacts and other property for addition to the collections of the Museum;

(C) establish policy with respect to the utilization of the collections of the Museum; and

(D) establish policy regarding programming, education, exhibitions, and research, with respect to the life and culture of African Americans, the role of African Americans in the history of the United States, and the contributions of African Americans to society;

(3) consistent with the general policy established by the Board of Regents, have authority to—

(A) provide for restoration, preservation, and maintenance of the collections of the Museum;

(B) solicit funds for the Museum and determine the purposes to which such funds shall be used;

(C) approve expenditures from the endowment of the Museum, or of income generated from the endowment, for any purpose of the Museum; and

(D) consult with, advise, and support the Director in the operation of the Museum;

(4) establish programs in cooperation with other African American museums, historically black colleges and universities, historical societies, educational institutions, and cultural and other organizations for the education and promotion of understanding regarding African American life, art, history, and culture;

(5) support the efforts of other African American museums, historically black colleges and universities, and cultural and other organizations to educate and promote understanding regarding African American life, art, history, and culture, including—

(A) the development of cooperative programs and exhibitions;

(B) the identification, management, and care of collections;

(C) the participation in the training of museum professionals; and

(D) creating opportunities for—

(i) research fellowships; and

(ii) professional and student internships;

(6) adopt bylaws to carry out the functions of the Board of Trustees; and

(7) report annually to the Board of Regents on the acquisition, disposition, and display of African American objects and artifacts and on other appropriate matters.

SEC. 7. DIRECTOR AND STAFF.

(a) IN GENERAL.—The Secretary of the Smithsonian Institution, in consultation with the Board of Trustees, shall appoint a Director who shall manage the Museum.

(b) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Secretary of the Smithsonian Institution may—

(1) appoint the Director and 5 employees of the Museum, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(2) fix the pay of the Director and such 5 employees, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

SEC. 8. DEFINITIONS.

For purposes of this Act:

(1) ARTS AND INDUSTRIES BUILDING.—The term ''Arts and Industries Building'' means the building located on the Mall at 900 Jefferson Drive, S.W. in Washington, the District of Columbia.

(2) BOARD OF REGENTS.—The term ''Board of Regents'' means the Board of Regents of the Smithsonian Institution.

(3) BOARD OF TRUSTEES.—The term ''Board of Trustees'' means the Board of Trustees of the National African American Museum established in section 5(a).

(4) MUSEUM.—The term ''Museum'' means the National African American Museum established under section 3(a).

By Mr. SHELBY (for himself, Mr. MACK, Mr. D'AMATO, Mr. BRYAN, Mr. BENNETT, Mr. FAIRCLOTH, Mr. BOND, Mr. DOLE, and Mr. GRAMM):

S. 650. A bill to increase the amount of credit available to fuel local, regional, and national economic growth by reducing the regulatory burden imposed upon financial institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE ECONOMIC GROWTH AND REGULATORY PAPERWORK REDUCTION ACT OF 1995

• Mr. SHELBY. Mr. President, credit availability is vital to the livelihood of every American. It is the fuel that drives personal financial, business, and economic growth in this country.

Promoting greater credit availability should, therefore, be an important economic policy goal. I know that it is to me. For this reason, for the third Congress in a row, I am introducing comprehensive regulatory relief legislation aimed at reducing the burdens that drive up the cost of credit and hamper credit availability.

Three years ago, the Federal Financial Institutions Examination Council released a study that found that the regulatory cost of compliance was as high as $17.5 billion a year. Mr. President, that was 3 years ago. While Senator MACK and I were successful in gaining some relief last year in the Community Development Financial Institutions and Regulatory Relief Act, regulatory initiatives continue to flood the pages of the Federal Register, inflating it to all-time highs.

Mr. President, fighting Government regulation and regulatory burdens is not a one time battle; it is a constant battle. It is a war that never ends, but only ebbs.

After months of comments and input from bankers and regulators, Senator MACK and I have returned once again to forge an ambitious comprehensive reform bill that promises long-overdue relief to an overburdened financial services industry.

Like last year's bill, this year's bill targets laws and regulations that impose regulatory burdens which are extraneous to safety and soundness concerns and act to restrict rather than promote credit availability.

The bill strikes out at the giants that hold down lending with excessive costs, like Truth-in-Lending and RESPA, Truth-in-Savings, the Community Reinvestment Act, and other overly burdensome laws whose legitimate central purpose has been lost in a sea of regulation.

The bill streamlines or cuts duplicative and unnecessary reporting requirements, eliminates excessive compliance costs, and reforms laws that no longer make sense and cost the industry millions without any corresponding benefit to either the consumer or the health and stability of the banking system.

Mr. President, an example of a law that may have had good intentions but does not make sense and has cost the banking industry about $400 million is the Truth-in-Savings Act. A law intended to prevent institutions from calculating interest on investible balances has become a leviathon of Broad, highly complex disclosure requirements that extend far beyond the original intent of the law.

Consumer protection laws should do just that, Mr. President. Laws like Truth-in-Lending and Truth-in-Savings have become so complex that the actual benefits these laws confer on consumers are highly questionable.

Another law consistently identified as one of the most burdensome and in need of review is the Community Reinvestment Act. CRA is seen as all stick and no carrot. Even though banks expend significant resources to adequately comply with the law, they are susceptible to protests that promote

meritless delay and result in extortive practices.

Large banks with billions in assets have less difficulty diverting assets to achieve compliance under the law than does the small, community bank. The livelihood of small banks—under $250 million in assets—is by their very nature dependent upon reinvesting in their community.

Mr. President, the costs on community banks are tangible and quantifiable, wile the benefits of imposing CRA compliance on community banks are illusive and questionable.

If not properly reformed, CRA threatens to be an albatross of redtape and complexity with little or no way of gauging its benefits or success.

Reducing regulatory burden and compliance costs on our financial institutions promotes credit availability, facilitates capital creation, and fuels our business, our communities, and our economy.

Mr. President, our bill today represents a starting point. The process is open and I expect a great deal of dialogue on the core of our bill as introduced, as well as many other relief provisions that may be raised for inclusion in the process.

Congressman BEREUTER is introducing similar regulatory relief legislation in the House today. Mr. President, with the support of the House and Senate leadership and Banking Committee Chairmen D'AMATO and LEACH, I am confident that our regulatory relief legislation will gain the same broad bipartisan support it enjoyed last year, and I would urge my colleagues to support this bill.

• Mr. BRYAN. Mr. President, today I am introducing legislation with Senator SHELBY, Senator MACK, and Senator D'AMATO to reduce the paperwork burden for our Nation's financial services companies. I believe we can streamline paperwork burdens and at the same time improve the usefulness of disclosures to consumers. Anyone who has recently gone through financing or refinancing a mortgage knows that too much paperwork can overwhelm consumers and defeat the purpose of these consumer disclosures.

I applaud the Clinton administration's efforts at regulatory relief and believe this bill will complement their efforts. For instance, the administration is expected to shortly release their revision of the Community Reinvestment Act [CRA], that should address many of the concerns we have over the application of the act. Once we have the opportunity to review the proposed revision, I expect we will make changes to the CRA provisions in this legislation.

We all support the goals of CRA but feel its implementation can be improved. I have heard from smalltown Nevada bankers who have to take personnel away from providing loans in order to meet paperwork requirements. I believe there are better ways to achieve the goals of CRA that don't entail the diversion of valuable resources. I look forward to working with the administration in crafting an effective CRA mechanism.

I believe this bill builds on the success of efforts last year to reduce unnecessary regulatory burdens. In the Community Development Banking and Financial Institutions Act, Public Law 103–325, a number of paperwork burdens were streamlined. I was particularly proud of the reforms we accomplished in the area of currency transaction reports [CTR's]. The law requires a 30-percent reduction in the number of CTR's financial institutions must file while, at the same time, improving law enforcement's ability to track down money launderers. These kinds of reforms are critical if we are to keep American industry competitive.

While I do not believe this legislation is perfect, I do believe it raises a number of areas which must be worked on and improved. The administration is aware of this need and will be working with us every step of the way. I am confident that we can craft legislation that both reduces unnecessary paperwork and improves consumer protection at the same time. That is my goal and will be my guiding principle throughout this process.

The thrust of this legislation is in the right direction. I do not support all of its provisions and, in fact, have difficulty with the magnitude of some of these changes. However, I believe this legislation starts us down the path of coming up with a compromise bill which President Clinton can sign.•

• Mr. BOND. Mr. President, today I am pleased to cosponsor the Economic Growth and Regulatory Paperwork Reduction Act of 1995. This bill opens the door for a meaningful deliberation on the regulatory burdens choking our Nation. As cochairman of the Senate Regulatory Relief Task Force with Senator HUTCHISON, we have examined our Nation's regulatory framework and identified those rules which impede economic growth without providing offsetting social benefits.

In particular, regulation is choking our Nation's banks. This legislation seeks to end the cycle of mounting regulation in that industry. I applaud the bill's efforts to eliminate burdensome rules and to streamline reporting and compliance procedures. My colleagues Senators SHELBY and MACK have provided a great starting point for the debate on banking regulation reform. I will continue to work with them in refining this legislation so that it upholds the safety and soundness of the banking system while satisfying the investment needs of our communities.

Mr. President, the cost of regulatory compliance is astounding. The Federal Financial Institutions Examination Council estimates that the industry's annual compliance costs exceed $17.5 billion. This burden is the result of decades of largely unintegrated legislative and regulatory initiatives.

Since 1968 our Nation's banks have faced a major new law almost every 11 months. In the past 5 years, Congress has passed more than 40 laws affecting bank operations. While most of these laws begin as well-intentioned ideas, they usually mushroom into administrative complexity unintended by Congress.

This layering of regulation—bill after bill, year after year—has created great inefficiency, redundancy, overlap, and common contradiction in the laws that govern the banking industry. We must end this cycle.•

By Mr. MCCAIN:

S. 651. A bill to establish the Office of the Inspector General within the General Accounting Office, modify the procedure for congressional work requests for the General Accounting Office, establish a Peer Review Committee, and for other purposes; to the Committee on Governmental Affairs.

THE GENERAL ACCOUNTING OFFICE OVERSIGHT AND IMPROVEMENT ACT OF 1995

• Mr. MCCAIN. Mr. President, today I am introducing the General Accounting Office Oversight and Reform Act. The GAO is Congress' watchdog, auditor, and analyst, and in carrying out its important mission the GAO has a significant influence on our Nation's legislative agenda.

Due to the importance of the GAO's mission, the Congress has an obligation to ensure that the agency meets the highest standards of excellence and maintains a reputation beyond reproach. Unfortunately, in recent years, numerous complaints about bias, partisanship, and inferior work quality have dogged the agency. The legislation I am introducing today will take the necessary remedial steps. It would institute independent oversight of the agency and bolster the GAO's internal quality control procedures.

Mr. President, the legislation seeks to create an independent office of the inspector general within the GAO. With a budget of over $400 million and over 4,000 employees, the GAO should have an independent officer to monitor its activities and improve the efficiency and effectiveness of its programs.

This proposal also seeks to institute a number of changes in GAO's operating procedures to enhance fairness, professionalism, and nonpartisanship. First, the bill would require the Comptroller General to notify the ranking member of a committee when the GAO is received from the chairman of a committee. It would also require notification in the CONGRESSIONAL RECORD when the GAO approves any work request. These measures will improve communication between GAO and Congress in a nonpartisan manner and address the concern that the GAO can be used for partisan sneak attacks.

Second, the bill would codify a GAO policy that gives equal status to requests from committee chairman and

ranking members. As an objective investigator and fact finder, the GAO should be statutorily required to treat these requests equally. Third, the bill would also require the GAO to provide affected agencies with an opportunity to comment on GAO's findings and to include relevant comments in its investigative reports.

Only two-thirds of GAO's reports include such written input, and Members can ask the GAO to forgo contacting the agency. This practice is unfair and unwarranted.

Fourth, the bill would require the GAO to reference its sources of factual information and list all organizations contacted in the conduct of an investigation. This will reassure the Congress and the public that all reports are researched fairly and thoroughly.

Fifth, the bill will prohibit the release of any report until GAO's internal quality control procedures have been complied with. The premature release of unconfirmed reports should not be permitted.

In addition to these specific statutory changes, Mr. President, this legislation would establish a special GAO peer review committee to help craft appropriate and responsible measures.

Among the directives that this bill vests the panel with are: The formation of a formal GAO product review process which will enable agencies to appeal to the GAO to correct factual errors, and reconsider certain findings; the implementation of guidelines to eliminate inappropriate advocacy of policy; developing a policy that would enable congressional requesters to remain anonymous to the actual GAO auditors or investigators; ending duplicative or superfluous auditing and investigative activities; and reporting to the Congress on the number of man hours expended and the cost incurred by respondents to GAO audits.

Finally, Mr. President, the bill calls on the Comptroller General to implement the recommendations of the peer review committee to the greatest extent practicable. The Comptroller General will be required to notify the congressional leadership in writing regarding any peer review panel recommendations he rejects.

Let me say that I believe the GAO does an excellent job in many areas, and that most GAO employees are well trained, highly motivated, and honorable public servants. The Comptroller General should be congratulated on his many successes and his continued commitment to correct problems—real and perceived—at the GAO.

Nevertheless, the GAO has been the subject of disturbing criticism in recent years. Most disturbing is the perception that the GAO has become arbitrary and ineffective, and suffers from insufficient oversight of its own. The GAO cannot afford to have its credibility eroded by continuing questions about whether the GAO is subservient to major requesters, or that there has been a decline in knowledge of Federal programs.

Clearly, the GAO can only be as effective as its reputation for objectivity, fairness, and accuracy. I believe this legislation will help improve the reality and perception of all of these key factors. The enactment of this legislation would be good for the GAO, the Congress, and the people we have been elected to serve.

It is time for checks and balances at the GAO. The creation of an independent inspector general and improved quality control procedures at the GAO will ensure that the Congress and the American people have a watchdog of the highest integrity and excellence. We deserve that much and can afford no less.●

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 653. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Aura*; to the Committee on Commerce, Science, and Transportation.

JONES ACT WAIVER FOR ''AURA''

● Mr. KERRY. Mr. President, I am pleased to join my colleague, the distinguished senior Senator from Massachusetts, in introducing a bill to allow the vessel *Aura* to be employed in coastwise trade of the United States. This boat has a relatively small passenger capacity, carrying up to 49 passengers on a charter business based out of Hull, MA. The purpose of this bill is to waive those sections of the Jones Act which prohibit foreign-made vessels from operating in coastwise trade. The waiver is necessary because, under the law, a vessel is considered foreign-made unless all major components of its hull and superstructure are fabricated in the United States and the vessel is assembled entirely in the United States. This vessel was originally built in a foreign shipyard in 1957, but since then has been owned and operated by American citizens. The owners of *Aura* have invested substantially more than the cost of building the boat in making repairs to it and maintaining it—in American shipyards with American products. They wish to start a small business, a charter boat operation, seasonally taking people out of Hull.

After reviewing the facts in the case of the *Aura*, I find that this waiver does not compromise our national readiness in times of national emergency, which is the fundamental purpose of the Jones Act requirement. While I generally support the provisions of the Jones Act, I believe the specific facts in this case warrant a waiver to permit the *Aura* to engage in coastwise trade. I hope and trust the Senate will agree and will speedily approve the bills being introduced today.●

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 654. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwide trade for the vessel *Sunrise;* to the Committee on Commerce, Science, and Transportation.

JONES ACT WAIVER FOR ''SUNRISE''

● Mr. KERRY. Mr. President, I am pleased to join my colleague, the distinguished senior Senator from Massachusetts, in introducing a bill to allow the vessel *Sunrise* to be employed in coastwise trade of the United States. This boat has a relatively small passenger capacity, carrying up to 12 passengers on a charter business based out of Boston, MA. The purpose of this bill is to waive those sections of the Jones Act which prohibit foreign-made vessels from operating in coastwise trade. The waiver is necessary because, under the law, a vessel is considered foreign made unless all major components of its hull and superstructure are fabricated in the United States and the vessel is assembled entirely in the United States. This vessel was originally built in a foreign shipyard in 1989, but since then has been owned by American citizens, repaired in American shipyards, and maintained with American products. In addition, *Sunrise* is a catamaran, a type of vessel which was not built in the United States prior to 1992. The owners of *Sunrise* have invested substantially in the outfitting of the vessel and wish to start a small business, a charter boat operation, seasonally taking people out of Boston. At the present time they will not be in competition with any other similar vessels.

After reviewing the facts in the case of the *Sunrise*, I find that this waiver does not compromise our national readiness in times of national emergency, which is the fundamental purpose of the Jones Act requirement. While I generally support the provisions of the Jones Act, I believe the specific facts in this case warrant a waiver to permit the *Sunrise* to engage in coastwise trade. I hope and trust the Senate will agree and will speedily approve the bills being introduced today.●

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 655. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Marantha*; to the Committee on Commerce, Science, and Transportation.

JONES ACT WAIVER FOR ''MARANTHA''

● Mr. KERRY. Mr. President, I am pleased to join my colleague, the distinguished senior Senator from Massachusetts, in introducing a bill to allow the vessel *Marantha* to be employed in coastwise trade of the United States. This boat has a relatively small passenger capacity, carrying up to 20 passengers on a charter business based out of Boston. The purpose of this bill is to

waive those sections of the Jones Act which prohibit foreign-made vessels from operating in coastwise trade. The waiver is necessary because, under the law, a vessel is considered foreign made unless all major components of its hull and superstructure are fabricated in the United States and the vessel is assembled entirely in the United States. This vessel was originally built in a foreign shipyard in 1977, but since then has been owned and operated by American citizens. The owners of the vessel have invested substantially more than the cost of building the boat in making repairs and maintaining the vessel in American shipyards with American products. The owners wish to start a small business, a charter boat and charter fishing operation, seasonally taking people out of Boston.

After reviewing the facts in the case of the *Marantha*, I find that this waiver does not compromise our national readiness in times of national emergency, which is the fundamental purpose of the Jones Act requirement. While I generally support the provisions of the Jones Act, I believe the specific facts in this case warrant a waiver to permit the *Marantha* to engage in coastwise trade. I hope and trust the Senate will agree and will speedily approve the bill being introduced today.●

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 656. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Quietly;* to the Committee on Commerce, Science, and Transportation.

JONES ACT WAIVER FOR ''QUIETLY''

● Mr. KERRY. Mr. President, I am pleased to join my colleague, the distinguished senior Senator from Massachusetts, in introducing a bill to allow the vessel *Quietly* to be employed in coastwise trade of the United States. This boat has a small passenger capacity, carrying up to eight passengers on a charter business. The purpose of this bill is to waive those sections of the Jones Act which prohibit foreign-made vessels from operating in coastwise trade. The waiver is necessary because, under the law, a vessel is considered foreign made unless all major components of its hull and superstructure are fabricated in the United States and the vessel is assembled entirely in the United States. This vessel was originally built in a foreign shipyard in 1983, but since then has been owned and operated by American citizens. The owner of the vessel has invested substantially in repairing and maintaining it—in American shipyards with American products. The owner wishes to start a small business, a charter boat operation, seasonally taking people out for cruises.

After reviewing the facts in the case of the *Quietly*, I find that this waiver does not compromise our national readiness in times of national emergency, which is the fundamental purpose of the Jones Act requirement. While I generally support the provisions of the Jones Act, I believe the specific facts in this case warrant a waiver to permit the *Quietly* to engage in coastwise trade. I hope and trust the Senate will agree and will speedily approve the bill being introduced today.●

ADDITIONAL COSPONSORS

S. 112

At the request of Mr. DASCHLE, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 112, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain amounts received by a cooperative telephone company.

S. 131

At the request of Mr. LIEBERMAN, the names of the Senator from South Carolina [Mr. HOLLINGS] and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of S. 131, a bill to specifically exclude certain programs from provisions of the Electronic Funds Transfer Act.

S. 230

At the request of Mr. SIMON, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 230, a bill to prohibit U.S. assistance to countries that prohibit or restrict the transport or delivery of U.S. humanitarian assistance.

S. 234

At the request of Mr. CAMPBELL, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 234, a bill to amend title 23, United States Code, to exempt a State from certain penalties for failing to meet requirements relating to motorcycle helmet laws if the State has in effect a Motorcycle Safety Program, and to delay the effective date of certain penalties for States that fail to meet certain requirements for motorcycle safety laws, and for other purposes.

S. 303

At the request of Mr. LIEBERMAN, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 303, a bill to establish rules governing product liability actions against raw materials and bulk component suppliers to medical device manufacturers, and for other purposes.

S. 356

At the request of Mr. SHELBY, the names of the Senator from South Dakota [Mr. PRESSLER] and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 356, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States.

S. 413

At the request of Mr. DASCHLE, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 413, a bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate under such act, and for other purposes.

S. 426

At the request of Mr. SARBANES, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 426, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia, and for other purposes.

S. 476

At the request of Mr. CAMPBELL, the names of the Senator from Wyoming [Mr. SIMPSON] and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of S. 476, a bill to amend title 23, United States Code, to eliminate the national maximum speed limit, and for other purposes.

S. 495

At the request of Mrs. KASSEBAUM, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 495, a bill to amend the Higher Education Act of 1965 to stabilize the student loan programs, improve congressional oversight, and for other purposes.

S. 508

At the request of Mr. MURKOWSKI, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 508, a bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities.

S. 523

At the request of Mr. BENNETT, the names of the Senator from New Mexico [Mr. DOMENICI], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of S. 523, a bill to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner, and for other purposes.

S. 613

At the request of Mr. ROCKEFELLER, the name of the Senator from Alaska [Mr. MURKOWSKI] was withdrawn as a cosponsor of S. 613, a bill to authorize the Secretary of Veterans Affairs to conduct pilot programs in order to evaluate the feasibility of participation of the Department of Veterans Affairs health care system in the health care systems of States that have enacted health care reform.

S. 629

At the request of Mr. THOMAS, the names of the Senator from Idaho [Mr. CRAIG] and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 629, a bill to provide that no action be taken under the National Environmental Policy Act of 1969 for a renewal of a permit for grazing on National Forest System lands.

S. 641

At the request of Mr. KENNEDY, the names of the Senator from Minnesota

[Mr. WELLSTONE], the Senator from California [Mrs. BOXER], the Senator from California [Mrs. FEINSTEIN], the Senator from Ohio [Mr. GLENN], the Senator from Hawaii [Mr. INOUYE], the Senator from Maryland [Mr. SARBANES], and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of S. 641, a bill to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

SENATE CONCURRENT RESOLUTION 3

At the request of Mr. SIMON, the names of the Senator from Kansas [Mr. DOLE] and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of Senate Concurrent Resolution 3, a concurrent resolution relative to Taiwan and the United Nations.

AMENDMENT NO. 425

At the request of Mr. MCCAIN his name was added as a cosponsor of amendment No. 425 proposed to H.R. 1158, a bill making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

SENATE RESOLUTION 97—RELATIVE TO THE SOUTH CHINA SEA

Mr. THOMAS (for himself and Mr. ROBB) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 97

Whereas the South China Sea is a strategically important waterway through which transits approximately 25 percent of the World's ocean freight, including almost 70 percent of Japan's oil supply;

Whereas the South China Sea serves as a crucial sea lane for naval vessels of the United States and other countries, especially in times of emergency;

Whereas the People's Republic of China, the Republic of the Philippines, the Socialist Republic of Vietnam, the Republic of China on Taiwan, the State of Brunei Darussalam, and Malaysia have overlapping and mutually exclusive claims to portions of the South China Sea, especially in the Spratly Island group;

Whereas these competing claims have led to armed conflicts between several of the claimants;

Whereas these conflicts threaten the peace and stability of all of East Asia; and

Whereas the 1992 Manila Declaration of the Association of South East Asian Nations, also recognized by the Socialist Republic of Vietnam and the People's Republic of China, calls on the claimants to exercise restraint and seek a peaceful negotiated solution to the conflicts: Now, therefore, be it

Resolved, That the Senate—

(1) urges the executive branch to reiterate to the claimants in the South China Sea that the United States does not take a position on any individual claim;

(2) calls upon all of the claimants to refrain from using military force to assert or expand territorial claims in the South China Sea;

(3) urges the executive branch to declare the active support of the United States for the 1992 Manila Declaration of the Association of South East Asian Nations, and calls upon all the claimants to observe faithfully its provisions; and

(4) calls upon the claimants to scrupulously observe the January, 1995 status quo ante pending any negotiations or resolution of the conflicts between such claimants over such claims.

Mr. THOMAS. Mr. President, as the chairman of the Senate Subcommittee on East Asian and Pacific Affairs, I would like to take this opportunity to call my colleagues' attention to an issue that, while somewhat obscure, has the potential to escalate into a dangerous regional conflict with serious repercussions for the United States: competing jurisdictional claims to the Spratly Islands.

The Spratlys comprise 21 islands and atolls, 50 submerged land spits, and 28 partly submerged rock groups and reefs. Totaling less than 5 square kilometers in area, these islets are spread out over 340,000 square miles in the southern third of the South China Sea, one of the world's largest marginal seas. The largest island, Itu Aba, is only four-tenths of a square mile in area; Spratly Island, after which the group is named, measures only 0.15 square miles. Portions of the area are claimed by most of the sea's littoral states; the People's Republic of China, Malaysia, the Philippines, Taiwan, Vietnam, and Brunei. All, with the exception of Brunei, maintain a military presence on the islands.

Their interest is based on more than mere fishing rights or territorial aggrandizement. It is thought—although not yet known conclusively—that the islands overlie vast reserves of oil and natural gas. The South China Sea in general is one of the most productive offshore petroleum areas in the world; since 1950, 29 oil fields and 4 gas fields have been developed there. This makes possession of the Spratlys quite attractive to the area's developing economies.

What many view as China's increasingly hegemonistic interest in the area seems to be the principal cause of tension among the claimants. As we all well know, China is clearly the emerging power in Asia. As the PRC has initiated limited free-market reforms and its economy expands, it has been able to devote more resources away from purely domestic concerns and to assert itself—flex its muscle—more often in regional affairs. The PRC's growing visibility is unnerving to many of its neighbors. This is due in large measure to the fact that because the PRC's greater presence is increasingly exhibited in a buildup of its military forces, it has increased the opportunity for armed conflicts with those neighbors.

The PRC—and consequently the Republic of China on Taiwan—and Vietnam both assert the oldest claims to the area. The PRC contends that it has a long history of presence in the area, including: a purported naval discovery in the Western Han Dynasty around the year 111 B.C., a 1292 Yuan Dynasty visitation by the Java-bound fleet of Kublai Khan, and a Ming Dynasty survey of the islands by Cheng He, who is said to have visited the islands seven times between the years 1405 and 1433. While there is some evidence of intermittent visitation of some of the Spratlys and surrounding waters by Chinese fishermen, records are sparse, incomplete, conflicting, and in the opinion of many scholars do not necessarily demonstrate a pattern of routine occupation, administration, or assertion of sovereign control sufficient to establish on airtight claim. For example, an official report by the Chinese Government issued in 1928 set forth that country's southernmost delineation of its territory as the Parcel Islands and makes no mention of the Spratlys.

Vietnam's claim is based on historical arguments premised on events from before, during, and after occupation by its former colonial overlord, France. Recent Vietnamese pronouncements claim that its involvement with the Spratlys can be traced back to 1650–53, although I have not yet seen a credible substantiation of that assertion. A further contact is claimed during the reign of Emperor Gialong in 1816, and an inaccurate Vietnamese map dated 1838 identifies the Spratlys under the name Van Ly Truong Sa as a part of Vietnamese territory. Interest in the islands appears to have lapsed over the early- and mid-French occupation period, although the French Government sent a naval expedition to the islands in 1933 and laid claim to seven groups of islets.

These conflicting Chinese and Vietnamese claims have in the not-distant past resulted in verbal, and sometimes military, clashes. In 1974, for example, the PRC occupied the South Vietnamese-claimed Parcel Islands—the Xisha Qundao—about 350 miles north of the Spratlys. The Vietnamese forces lost and withdrew from the islands. A few days later, though, 120 South Vietnamese soldiers landed on one of the Spratlys; the PRC responded with a protest and a warning against any such future action. In March 1988, the PLA–N sank three Vietnamese naval transports in the Spratlys, killing 72 Vietnamese soldiers.

Beginning in the late 1970's, a growing economic dimension began to appear in the Sino-Vietnamese dynamic. When the PRC began open-door economic reforms in 1978, the development of an offshore petroleum industry was at the forefront. The PRC opened its continental shelf from the Bohai to Beibu Gulfs in 1979, and announced a series of Sino-foreign seismic survey agreements. Vietnam, in response, protested the surveys as brazen violations ''of the territorial integrity of Vietnam and its sovereignty over its natural resources.''

This verbal sparring over the competing claims continued until the early 1990's, when the two countries began to swipe at each other using oil concessions as their weapon. On May 8, 1992, the PRC's China National Offshore Oil Co. granted an oil concession to

Crestone Energy Co., a small American firm, for a 25,155 km² area near the Vanguard Bank (the Wanan Tan) which crossed over into Vietnamese-claimed areas. Consequently, Vietnam granted a concession to Mobil Corp. which encroached on Chinese claims, and in September 1992, Petrovietnam signed a contract with Nopec, a Norwegian company, to do seismic surveys. These competing claims threatened to precipitate another armed conflict last year when Vietnam began drilling in a concession that China had previously granted to a United States company. Chinese ships blocked the drilling rig, but the matter was defused short of a martial clash and has become an ongoing topic of negotiation between the two.

The PRC did not help calm matters when, in February 1992, the National People's Congress passed legislation—the Law of the People's Republic of China on the Territorial Sea and the Contiguous Zone—laying sole claim to the entire South China Sea and mentioning the Spratlys by name in article 2. The move to turn the South China Sea into a Chinese lake is especially worrisome to many countries—even those outside the region. The reason: the islands sit astride shipping lanes through which passes approximately 25 percent of the worlds trade goods, including almost 70 percent of Japan's oil supplies.

The Sino-Vietnamese imbroglios are not the only point of bilateral friction in the Spratlys; the most recent flareups involved the Philippines. The Filipino claim is based on geographic contiguity, historical rights, and an assertion that the other countries involved in the area have previously abandoned their rights to the islands. In 1947, a Filipino businessman named Tomas Cloma discovered a group of unoccupied islands in the Spratly chain which he named Kalayaan. The Philippines' Government remained somewhat noncommittal about the claim; in 1955, the government set baselines around the Philippine archipelago and made no mention of Kalayaan. However, when in 1971 an ROK artillery battery on Itu Aba fired on a Filipino fishing boat, in its official protest the Philippines stated that it had legal title to the island group as a result of Cloma's occupation and because the islands were within the archipelagic territory of the Philippines. In 1974, Cloma transferred Kalayaan to his Government, and in 1978 President Marcos officially declared the islands to be part of the Philippines. Also in that year, the Philippines' claims became more choate when it discovered oil and gas resources beneath the seabed.

Since then, Sino-Filipino competition for the islands has increased. Recently, China asserted claims to Jackson Atoll and Half Moon Reef—which are claimed by the Philippines—contending that ''they are part of China's Nanasha [Spratly] Islands and have always have been Chinese territory.'' Intelligence reports indicate that the PRC has placed perimeter markers on both. Similarly, China has laid claim to the appropriately named Mischief (Panganiban) Reef. It was recently revealed that the PRC has built a series of structures on the reef. The reef submerges at high tide, and the four concrete buildings are build on pilings. I have seen pictures of them supplied by the Philippine Government.

The problem with this Chinese move is that the reef lies well within the Philippines' 200-mile exclusive economic zone; it is only 135 nautical miles from Palawan, one of the Philippines' principal islands. By contrast, it is more than 620 miles from the Chinese coast. In addition, the PRC has dispatched several naval vessels to the immediate area of the reef—two Yukan-class supply vessels and a Dazhi-class submarine-support ship. The presence of the latter begs the question as to whether there are not also Chinese submarines operating nearby. The PRC claims that the outpost in only meant to serve as a shelter for Chinese fishermen. However, the addition of several parabolic antennae to the structures, the presence of the navy ships, and the PRC's demonstrated keen interest in the islands, seem to militate against the veracity of such a statement. Moreover, in a move tinged with jurisdictional overtones, the Chinese arrested several Filipino fishermen in the vicinity of the reef and held them for several days.

The Government of the Philippines has indicated that as a result of the PRC's actions, it has felt pressured into increasing its military presence in the islands. Just this last weekend, in apparent retaliation for the Chinese arrests, the Philippine navy seized four Chinese fishing vessels in the region of Alicia Annie which is in the Filipino Claim area.

Similarly, the Vietnamese are reported by Japan's Kyodo News Agency to have increased their military presence in the area by 50 percent as a counter to the Chinese buildup. Clearly, the growing militarization of the region can only increase the probability that another skirmish will break out.

The region's countries have not sat idly by while this problem has escalated. In July 1992, the members of ASEAN, the Association of Southeast Asian Nation's issued what has been called the Manila Declaration on the south China Sea. The document—also acknowledged by Vietnam and the PRC—called on the parties to the dispute to exercise restraint and settle the issue without resort to military force. ASEAN's nonclaimants—Singapore, Indonesia, and Thailand—were urged to appoint an ''eminent persons group'' to build support for a complete freeze on economic and military activity in disputed areas. The declaration also called on the United States to actively back the initiative, and to support Indonesia's efforts to transform its informal South China Sea workshops into an official negotiating forum under the auspices of either the ASEAN regional forum or the U.N. Security Council. Talks would be based on accepting the Chinese position of deferring claims to sovereignty and jointly developing any available resources.

The response of the United States to this entire issue has been, in my view, less than adequate. The strongest statements that I have seen from the administration so far are a lukewarm statement on February 14 of this year from a State Department spokeswoman, and a series of statements by Adm. Richard Macke, head of the U.S. Pacific Command. Most recently the admiral stated, ''It is well known that we do not support any territorial claims with regard to [the] Spratlys. We certainly encourage dialogue between the nations involved to solve the differences that exist over the Spratlys. Again, we support no individual claim * * *.''

I generally agree with Admiral Macke. As long as the claimants do nothing to interfere with the rights of the world community to free passage through the South China Sea, it is my position that the United States should not presently take sides among the claimants. Rather, we should support the Manila Declaration and a rational, negotiated settlement to the problem. In addition, while we should make clear to the claimants that we are willing to make ourselves available to them to facilitate the provisions of the declaration, we should avoid unnecessary intrusion into what is a regional affair best settled by the parties involved. In addition, pending any talks or resolution of the conflict, I believe we need to make clear to the parties that any move seeking to disturb the present status quo is unacceptable. It makes no sense to try to get the parties to sit down and negotiate an end to the problem if, at the same time, they continue their jockeying for military and territorial advantage.

Although I find myself generally in agreement with the U.S. position, I am not sure that the administration has been as forceful and unequivocal as it should be in getting our viewpoint across to the claimants. While I understand from certain sources that our position is being made clear to each of the claimant states through our respective embassies, I would like to see a more public vociferous pronouncement of our stand. Mr. President, I have seen some indications from the State Department that it is presently considering following this course. I applaud that move.

In the interim, however, I rise today—on behalf of myself and the distinguished ranking minority member of the subcommittee, Senator ROBB—to submit Senate Resolution 97, expressing the sense of the Senate with respect to peace and stability in the

South China Sea. This resolution reaffirms the Senate's support of the view that the United States takes no sides in the dispute. Moreover, it calls for a cessation of hostilities in the region, as well as a strict adherence to the provisions of the Manila declaration. Finally, it calls on the claimants to observe the January 1995 status quo ante pending any negotiations or resolution of the dispute. Mr. President, I hope that this resolution will prod the administration into action, and will make the views of the Senate clear to the claimant nations. I look forward to its swift adoption.

AMENDMENTS SUBMITTED

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT OF 1995

BINGAMAN (AND OTHERS) AMENDMENT NO. 426

Mr. BINGAMAN (for himself, Mr. DASCHLE, and Mr. SIMON) proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes; as follows:

On page 14, line 19, strike ''$100,000,000'' and insert ''$113,000,000''.

On page 31, line 9, strike ''$26,988,000'' and insert ''$13,988,000''.

D'AMATO (AND OTHERS) AMENDMENTS NO. 427

Mr. D'AMATO (for himself, Mr. DOMENICI, Mr. STEVENS, Mr. HELMS, Mr. BROWN, Mr. SHELBY, Mr. FAIRCLOTH, Mr. MURKOWSKI, Mr. GRAMS, Mr. PRESSLER, Mr. INHOFE, Mr. CRAIG, Mr. BURNS, and Mr. NICKLES) proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . CONGRESSIONAL APPROVAL OF CERTAIN FOREIGN ASSISTANCE.

(a) IN GENERAL.—Section 5302(b) of title 31, United States Code, is amended by adding at the end the following: ''Except as authorized by an Act of Congress, the Secretary may not take any action under this subsection with respect to a single foreign government (including agencies or other entities of that government) or with respect to the currency of a single foreign country that would result in expenditures and obligations, including contingent obligations, aggregating more than $5,000,000,000 with respect to that foreign country during any 12-month period, beginning on the date on which the first such action is or had been taken.''.

(b) EFFECTIVE DATE.—Notwithstanding any other provision of this Act, the amendment made by subsection (a) shall apply to any action taken under section 5302(b) of title 31, United States Code, on or after January 1, 1995.

BURNS AMENDMENT NO. 428

Mr. BURNS proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

On page 69, strike lines 7 through 10 and insert the following:

''(A) expeditiously prepare, offer, and award salvage timber sale contracts on Federal lands, except in—

''(i) any area on Federal lands included in the National Wilderness Preservation System;

''(ii) any roadless area on Federal lands designated by Congress for wilderness study in Colorado or Montana;

''(iii) any roadless area on Federal lands recommended by the Forest Service or Bureau of Land Management for wilderness designation in its most recent land management plan in effect as of the date of enactment of this Act; or

''(iv) any area on Federal lands on which timber harvesting for any purpose is prohibited by statute; and''.

MURRAY (AND LEAHY) AMENDMENT NO. 429

Mrs. MURRAY (for herself and Mr. LEAHY) proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

On page 68, strike line 9 and all that follows through page 79, line 5, and insert the following:

(a) DEFINITION.—In this section:

(1) CONSULTING AGENCY.—The term ''consulting agency'' means the agency with which a managing agency is required to consult with respect to a proposed salvage timber sale if consultation is required under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(2) MANAGING AGENCY.—The term ''managing agency'' means a Federal agency that offers a salvage timber sale.

(3) SALVAGE TIMBER SALE.—The term ''salvage timber sale'' means a timber sale—

(A) in which each unit is composed of forest stands in which more than 50 percent of the trees have suffered severe insect infestation or have been significantly burned by forest fire; and

(B) for which agency biologists and other agency forest scientists conclude that forest health may be improved by salvage operations.

(b) SALVAGE TIMBER SALES.—

(1) DIRECTION TO COMPLETE SALVAGE TIMBER SALES.—The Secretary of Agriculture, acting through the Chief of the Forest Service, and the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall—

(A) expeditiously prepare, offer, and award salvage timber sale contracts on Forest Service lands and Bureau of Land Management lands that are located outside—

(i) any unit of the National Wilderness Preservation System; or

(ii) any roadless area that—

(I) is under consideration for inclusion in the National Wilderness Preservation System; or

(II) is administratively designated as a roadless area in the managing agency's most recent land management plan in effect as of the date of enactment of this Act (not including land designated as a Federal wilderness area); or

(iii) any area in which such a sale would be inconsistent with agency standards and guidelines applicable to areas administratively withdrawn for late successional and riparian reserves; or

(iv) any area withdrawn by Act of Congress for any conservation purpose; and

(B) perform the appropriate revegetation and tree planting operations in the area in which the salvage occurred.

(2) SALE DOCUMENTATION.—

(A) PREPARATION OF DOCUMENTS.—In preparing a salvage timber sale under paragraph (1), Federal agencies that have a role in the planning, analysis, or evaluation of the sale shall fulfill their respective duties expeditiously and, to the extent practicable, simultaneously.

(B) PROCEDURES TO EXPEDITE SALVAGE TIMBER SALES.—

(i) IN GENERAL.—When it appears to a managing agency that consultation may be required under section 7(a)(2) of the Endangered Species Act (16 U.S.C. 1536(a)(2))—

(I) the managing agency shall solicit comments from the consulting agency within 7 days of the date of the decision of the managing agency to proceed with the required environmental documents necessary to offer to sell the salvage timber sale; and

(II) within 30 days after receipt of the solicitation, the consulting agency shall respond to the managing agency's solicitation concerning whether consultation will be required and notify the managing agency of the determination .

(ii) CONSULTATION DOCUMENT.—In no event shall a consulting agency issue a final written consultation document with respect to a salvage sale later than 30 days after the managing agency issues the final environmental document required under the National Environmental Policy Act of 1973 (16 U.S.C. 1531 et seq.).

(iii) DELAY.—A consulting agency may not delay a salvage timber sale solely because the consulting agency believes it has inadequate information, unless—

(aa) the consulting agency has been actively involved in preparation of the required environmental documents and has requested in writing reasonably available additional information from the managing agency that the consulting agency considers necessary under part 402 of title 50, Code of Federal Regulations, to complete a biological assessment; and

(bb) the managing agency has not complied with the request.

(3) STREAMLINING OF ADMINISTRATIVE APPEALS.—Administrative review of a decision of a managing agency under this subsection shall be conducted in accordance with section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (106 Stat. 1419), except that—

(A) an appeal shall be filed within 30 days after the date of issuance of a decision by the managing agency; and

(B) the managing agency shall issue a final decision within 30 days and may not extend the closing date for a final decision by any length of time.

(4) STREAMLINING OF JUDICIAL REVIEW.—

(A) TIME FOR CHALLENGE.—Any challenge to a timber sale under subsection (a) or (b) shall be brought as a civil action in United States district court within 30 days after the later of—

(i) the decision to proceed with a salvage timber sale is announced; or

(ii) the date on which any administrative appeal of a salvage timber sale is decided.

(B) EXPEDITION.—The court shall, to the extent practicable, expedite proceedings in a civil action under subparagraph (A), and for the purpose of doing so may shorten the times allowed for the filing of papers and taking of other actions that would otherwise apply.

(C) ASSIGNMENT TO SPECIAL MASTER.—The court may assign to a special master all or part of the proceedings in a civil action under subparagraph (A).

(c) OPTION 9.—

(1) DIRECTION TO COMPLETE TIMBER SALES.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management, and the Secretary of Agriculture, acting through the Chief of the Forest Service, shall expeditiously prepare, offer, and award timber sale contracts on Federal lands in the forests specified in Option 9, as selected by the Secretary of the Interior and the Secretary of Agriculture on April 13, 1994.

(2) ESTABLISHMENT OF REBUTTABLE PRESUMPTION.—A rebuttable presumption exists that any timber sale on Federal lands encompassed by Option 9 that is consistent with Option 9 and applicable administrative planning guidelines meets the requirements of applicable environmental laws. This paragraph does not affect the applicable legal duties that Federal agencies are required to satisfy in connection the planning and offering of a salvage timber sale under this subsection.

(3) AVAILABILITY OF FUNDS.—

(A) IN GENERAL.—The Secretary of Agriculture and the Secretary of the Interior shall make available 100 percent of the amount of funds that will be required to hire or contract with such number of biologists, hydrologists, geologists, and other scientists to permit completion of all watershed assessments and other analyses required for the preparation, advertisement, and award of timber sale contracts prior to the end of fiscal year 1995 in accordance with and in the amounts authorized by the Record of Decision in support of Option 9.

(B) SOURCE.—If there are no other unobligated funds appropriated to the Secretary of Agriculture or the Secretary of the Interior, respectively, for fiscal year 1995 that can be available as required by subparagraph (A), the Secretary concerned shall make funds available from amounts that are available for the purpose of constructing forest roads only from the regions to which Option 9 applies.

(d) SECTION 318.—

(1) IN GENERAL.—With respect to each timber sale awarded pursuant to section 318 of Public Law 101–121 (103 Stat. 745) the performance of which is, on or after July 30, 1995, precluded under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) due to requirements for the protection of the marbled murrelet, the Secretary of Agriculture shall provide the purchaser replacement timber, at a site or sites selected at the discretion of the Secretary, that is equal in volume, kind, and value to that provided by the timber sale contract.

(2) TERMS AND CONDITIONS.—Harvest of replacement timber under paragraph (1) shall be subject to the terms and conditions of the original contract and shall not count against current allowable sale quantities.

(e) EXPIRATION.—Subsections (b) and (c) shall expire on September 30, 1996, but the terms and conditions of those subsections shall continue in effect with respect to timber sale contracts offered under this Act until the contracts have been completely performed.

GRASSLEY (AND DORGAN) AMENDMENT NO. 430

Mr. GRASSLEY (for himself and Mr. DORGAN) proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill, H.R. 1158, supra; as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION ON USE OF FUNDS TO DELINEATE NEW AGRICULTURAL WETLANDS.

(A) IN GENERAL.—Except as provided in subsection (b), during the period beginning on the date of enactment of this Act and ending on December 31, 1995, none of the funds made available by this or any other Act may be used by the Secretary of Agriculture to delineate wetlands for the purpose of certification under section 1222(a) of the Food Security Act of 1985 (16 U.S.C. 3822(a)).

(b) EXCEPTION.—Subsection (a) shall not apply to land if the owner or operator of the land requests a determination as to whether the land is considered a wetland under subtitle C of title XII of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.) or any other provision of law.

JEFFORDS AMENDMENT NO. 431

(Ordered to lie on the table.)

Mr. JEFFORDS submitted an amendment intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill, H.R. 1158, supra; as follows:

On page 14, line 12, strike the period and insert '', of which not more than $20,500,000 shall constitute a reduction in the amount available for solar and renewable energy activities and at least $14,500,000 shall constitute a reduction in the amount available for nuclear energy activities.''.

HELMS AMENDMENTS NOS. 432–433

(Ordered to lie on the table.)

Mr. HELMS submitted two amendments intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill, H.R. 1158, supra; as follows:

AMENDMENT NO. 432

At the end of the Committee amendment insert the following:

SEC. . Notwithstanding any other provision of law, no funds appropriated under this Act or any other Act may be obligated for the International Fund for Ireland until the President certifies and reports to Congress that the Irish Republican Army has begun a process of disarming.

AMENDMENT NO. 433

At the appropriate place in the substitute, add:

SEC. . BILATERAL ECONOMIC ASSISTANCE.

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(RECISSION)

Of the funds made available under this heading in Public Law 103–87 for support of an officer settlement program in Russia as described in section 560(a)(5), $30,000,000 are rescinded.

KYL AMENDMENT NO. 434

(Ordered to lie on the table.)

Mr. KYL submitted an amendment intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

On page 31, between lines 5 and 6, insert the following:

LOW INCOME HOME ENERGY ASSISTANCE

(RESCISSION)

Of the funds made available in the third paragraph under this heading in Public Law 103–333, $1,319,204,000 are rescinded.

KERREY (AND OTHERS) AMENDMENT NO. 435

Mr. KERREY (for himself, Mr. COHEN, Mr. BAUCUS, and Mr. KERRY) proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

Beginning on page 51 of the bill, line 12, strike everything through page 54, line 6, and insert in lieu thereof, the following:

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON THE AVAILABILITY OF REVENUE

(RESCISSION)

Of the funds made available under this heading in Public Laws 101–136, 101–509, 102–27, 102–141, 103–123, 102–393, 103–329, $565,580,000 are rescinded from the following projects in the following amounts:

Arizona:

Lukeville, Border Station, commercial lot expansion, $1,219,000

Phoenix, Federal building and U.S. Courthouse, $121,890,000

San Luis, Border Station, primary lane expansion and administrative office space, $3,496,000

Sierra Vista, Arizona, U.S. Magistrates office, $1,000,000

Tucson, Federal building-U.S. Courthouse, $70,000,000

California:

Menlo Park, United States Geological Survey, office laboratory buildings, $980,000

San Francisco, California, U.S. Court of Appeals annex, $9,003,000

District of Columbia:

Army Corps of Engineers, headquarters, $25,000,000

Central and West heating plants, $5,000,000

General Service Administration, Southeast Federal Center, headquarters, $25,000,000

Southeast Federal Center, infrastructure, $58,000,000

U.S. Secret Service, headquarters, $18,910,000

Georgia:

Atlanta, Centers for Disease Control, site acquisition and improvement, $25,890,000

Atlanta, Centers for Disease Control, $14,110,000

Florida: Tampa, U.S. Courthouse, $5,994,000

Illinois: Chicago, Federal Center, $7,000,000

Indiana: Hammond, U.S. Courthouse, $52,272,000

Maryland: Avondale, DeLaSalle building, $16,671,000

Massachusetts: Boston, U.S. Courthouse, $4,076,000

Nebraska: Omaha, U.S. Courthouse, $5,000,000

Nevada: Reno, Federal building—U.S. Courthouse, $1,465,000

New Hampshire: Concord, Federal building—U.S. Courthouse, $3,519,000

New Mexico: Santa Teresa, Border station, $4,004,000

New York: Holtsville, New York, IRS Center, $19,183,000

North Dakota: Fargo, U.S. Courthouse, $1,371,000

Ohio:

Youngstown, Federal building and U.S. Courthouse, site acquisition and design, $4,574,000

Steubenville, U.S. Courthouse, $2,280,000

Oregon: Portland, U.S. Courthouse, $5,000,000

Pennsylavnia: Philadelphia, Veterans Administration, $1,276,000
Rhode Island: Providence, Kennedy Plaza Federal Courthouse, $7,740,000
Tennessee: Greenville, U.S. Courthouse, $2,936,000
Texas:
Corpus Christi, U.S. Courthouse, $6,446,000
Ysleta, site acquisition and construction, $1,727,000
U.S. Virgin Islands: St. Thomas, Charlotte Amalie, U.S. Courthouse Annex, $2,184,000
Washington:
Seattle, U.S. Courthouse, $3,764,000
Nationwide chlorofluorocarbons program, $12,300,000
Nationwide energy program, $15,300,000''

BOXER (AND OTHERS) AMENDMENT NO. 436

Mrs. BOXER (for herself, Mr. BINGAMAN, Mr. KERREY, Mr. WELLSTONE, Mr. DODD, and Mr. BUMPERS) proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

On page 35, beginning on line 21, strike out ''$15,200,000'' and all that follows through ''title III–B, $5,000,000, and'', and inserting in lieu thereof ''$5,200,000 are rescinded as follows: from the Elementary and Secondary Education Act of 1965,''.

On page 68, between lines 6 and 7, insert the following:

CHAPTER XII

DEPARTMENT OF DEFENSE—MILITARY, PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

(RESCISSION)

Of the funds available under this heading in title III of Public Law 103–335, $11,000,000 are rescinded.

SHELBY AMENDMENT NO. 437

Mr. SHELBY proposed an amendment to amendment No. 435 proposed by Mr. KERREY to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

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

Of the funds made available under this heading in Public Laws 101–136, 101–509, 102–27, 102–141, 103–123, 102–393, 103–329, $1,842,885,000 are rescinded from the following projects in the following amounts:
Alabama:
Montgomery, U.S. Courthouse annex, $46,320,000
Arkansas:
Little Rock, Courthouse, $13,816,000
Arizona:
Bullhead City, FAA grant, $$2,200,000
Lukeville, commercial lot expansion, $1,219,000
Nogales, Border Patrol, headquarters, $2,998,000
Phoenix, U.S. Federal Building, Courthouse, $121,890,000
San Luis, primary lane expansion and administrative office space, $3,496,000
Sierra Vista, U.S. Magistrates office, $1,000,000
Tucson, Federal Building, U.S. Courthouse, $121,890,000
California:
Menlo Park, United State Geological Survey office laboratory building, $6,868,000
Sacramento, Federal Building-U.S. Courthouse, $142,902,000
San Diego, Federal building-Courthouse, $3,379,000
San Francisco, Lease purchase, $9,702,000
San Francisco, U.S. Courthouse, $4,378,000
San Francisco, U.S. Court of Appeals annex, $9,003,000
San Pedro, Customhouse, $4,887,000
Colorado:
Denver, Federal building-Courthouse, $8,006,000
District of Columbia:
Central and West heating plants, $5,000,000
Corps of Engineers, headquarters, $37,618,000
General Services Administration, Southeast Federal Center, headquarters, $25,000,000
U.S. Secret Service, headquarters, $113,084,000
Florida:
Ft. Myers, U.S. Courthouse, $24,851,000
Jacksonville, U.S. Courthouse, $10,633,000
Tampa, U.S. Courthouse, $14,998,000
Georgia:
Albany, U.S. Courthouse, $12,101,000
Atlanta, Centers for Disease Control, site acquisition and improvement, $25,890,000
Atlanta, Centers for Disease Control, $14,110,000
Atlanta, Centers for Disease Control, Roybal Laboratory, $47,000,000
Savannah, U.S. Courthouse annex, $3,000,000
Hawaii:
Hilo, federal facilities consolidation, $12,000,000
Illinois:
Chicago, SSA DO, $2,167,000
Chicago, Federal Center, $47,682,000
Chicago, Dirksen building, $1,200,000
Chicago, J.C. Klucynski building, $13,414,000
Indiana:
Hammond, Federal Building, U.S. Courthouse, $52,272,000
Jeffersonville, Federal Center, $13,522,000
Kentucky:
Covington, U.S. Courthouse, $2,914,000
London, U.S. Courthouse, $1,523,000
Louisiana:
Lafayette, U.S. Courthouse, $3,295,000
Maryland:
Avondale, DeLaSalle building, $16,671,000
Bowie, bureau of Census, $27,877,000
Prince Georges/Montgomery Counties, FDA consolidation, $284,650,000
Woodlawn, SSA building, $17,292,000
Massachusetts:
Boston, U.S. Courthouse, $4,076,000
Missouri:
Cape Girardeau, U.S. courthouse, $3,688,000
Kansas City, U.S. Courthouse, $100,721,000
Nebraska:
Omaha, Federal Building,U.S. Courthouse, $9,291,000
Nevada:
Las Vegas, U.S.courthouse, $4,230,000
Reno, Federal building—U.S.Courthouse, $1,465,000
New Hampshire:
Concord, Federal building—U.S. Courthouse, $3,519,000
New Jersey:
Newark, parking facility, $9,000,000
Trenton, Clarkson Courthouse, $14,107,000
New Mexico:
Albuquerque, U.S. courthouse, $47,459,000
Santa Teresa, Border Station, $4,004,000
New York:
Brooklyn, U.S. Courthouse, $43,717,000
Holtsville, IRS Center, $19,183,000
Long Island, U.S. Courthouse, $27,198,000
North Dakota:
Fargo, Federal building-U.S. courthouse, $20,105,000
Pembina, Border Station, $93,000
Ohio:
Cleveland, Celebreeze Federal building, $10,972,000
Cleveland, U.S. Courthouse, $28,248,000
Steubenville, U.S. Courthouse, $2,820,000
Youngstown, Federal Building-U.S. Courthouse, $4,574,000
Oklahoma:
Oklahoma City, Murrah Federal building, $5,290,000
Oregon:
Portland, U.S. Courthouse, $5,000,000
Pennsylvania:
Philadelphia, Byrne-Green Federal building-Courthouse, $30,628,000
Philadelphia, Nix Federal building-Courthouse, $13,814,000
Philadelphia, Veterans Administration, $1,276,000
Scranton, Federal Building-U.S. Courthouse, $9,969,000
Rhode Island:
Providence, Kennedy Plaza Federal Courthouse, $7,740,000
South Carolina:
Columbia, U.S. Courthouse annex, $592,000
Tennessee:
Greeneville, U.S. Courthouse, $2,936,000
Texas:
Austin, Veterans Administration annex, $1,028,000
Brownsville, U.S. Courthouse, $4,339,000
Corpus Christi, U.S. Courthouse, $6,446,000
Laredo, Federal building-U.S. Courthouse, $5,986,000
Lubbock, Federal building-Courthouse, $12,167,000
Ysleta, site acquisition and construction, $1,727,000
U.S. Virgin Islands:
Charlotte Amalie, St. Thomas, U.S. Courthouse, $2,184,000
Virginia:
Richmond, Courthouse annex, $12,509,000
Washington:
Blaine, Border Station, $4,472,000
Point Roberts, Border Station, $698,000
Seattle, U.S. Courthouse, $10,949,000
Walla Walla, Corps of Engineers building, $2,800,000
West Virginia:
Beckley, Federal building-U.S. Courthouse, $33,097,000
Martinsburg, IRS center, $4,494,000
Wheeling, Federal building-U.S. Courthouse, $35,829,000
Nationwide chlorofluorocarbons program, $12,300,000
Nationwide energy program, $15,300,000

REID (AND BRYAN) AMENDMENT NO. 438

Mr. REID (for himself and Mr. BRYAN) proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill, H.R. 1158, supra; as follows:

On page 14, between lines 12 and 13, insert the following:

NUCLEAR WASTE DISPOSAL FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $14,700,000 are rescinded.

On page 28, strike lines 18 through 23.

REID AMENDMENT NO. 439

Mr. REID proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill, H.R. 1158, supra; as follows:

On page 14, between lines 12 and 13, insert the following:

NUCLEAR WASTE DISPOSAL FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $5,625,000 are rescinded.

On page 28, line 7, strike ''$42,071,000 are rescinded'' and insert ''for programs other than the rural health research program and the rural health outreach grant program, $36,446,000 are rescinded''.

HOLLINGS (AND BIDEN) AMENDMENT NO. 440

Mr. HATFIELD (for Mr. HOLLINGS, for himself and Mr. BIDEN) proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD, to the bill, H.R. 1158, supra; as follows:

On page 8 of the substitute amendment strike line 1 through line 6 and insert in lieu thereof the following:

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading in Public Law 103–317, $5,000,000 are rescinded.

LEGAL ACTIVITIES

ASSET FORFEITURE FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $5,000,000 are rescinded.

OFFICE OF JUSTICE PROGRAMS

DRUG COURTS

(RESCISSION)

Of the funds made available under this heading in title VIII of Public Law 103–317, $17,100,000 are rescinded.

MURKOWSKI (AND D'AMATO) AMENDMENT NO. 441

Mr. MURKOWSKI (for himself and Mr. D'AMATO) proposed an amendment to amendment No. 427 proposed by Mr. D'AMATO to amendment No. 420 proposed by Mr. HATFIELD, to the bill, H.R. 1158, supra; as follows:

At the end of line 10 of page 2, prior to the period insert the following:

'', *Provided*, That as the bearer bonds issued by the Government of Mexico are redeemed with monies provided by the Government of the United States, the Government of the United States first be provided with the names and addresses of those redeeming such bonds.''

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 30, 1995, at 10 a.m. to hold a hearing on reorganization and revitalization of America's foreign affairs institutions.

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

SUBCOMMITTEE ON FOREIGN RELATIONS

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 30, 1995, at 2 p.m. to hold a hearing on reorganization of U.S. foreign assistance programs: alternatives to the Agency of International Development.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. HATFIELD. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, March 30, at 10 a.m. for a hearing on oversight of the General Accounting Office.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session on Thursday, March 30, 1995, at 9:30 a.m. to hold a markup on Senate Resolution 24.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. HATFIELD. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a joint hearing with the House Committee on Veterans' Affairs to receive the legislative presentations of AMVETS, American Ex-Prisoners of War, Vietnam Veterans of America, Blinded Veterans Association, and the Military Order of the Purple Heart. The hearing will be held on March 30, 1995, at 9:30 a.m., in room 345 of the Cannon House Office Building.

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

SUBCOMMITTEE ON ACQUISITION AND TECHNOLOGY

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Acquisition and Technology of the Committee on Armed Services be authorized to meet on Thursday, March 30, 1995, at 2 p.m. in closed session to receive testimony on the Counterproliferation support program in review of the defense authorization request for fiscal year 1996 and the future years defense program.

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

SUBCOMMITTEE ON EDUCATION, ARTS AND HUMANITIES

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Education, Arts and Humanities of the Committee on Labor and Human Resources be authorized to meet for a hearing on oversight of direct lending, during the session of the Senate on Thursday, March 30, 1995 at 9:30 a.m.

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

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, March 30, 1995, for purposes of conducting a subcommittee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to receive testimony on S. 506, the Mining Law Reform Act of 1995, and S. 504, the Mineral Exploration and Development Act of 1995.

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

SUBCOMMITTEE ON PERSONNEL

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet at 2 p.m. on Thursday, March 30, 1995, in open session, to receive testimony regarding the Department of Defense reserve component programs related to the National Defense Authorization Act for fiscal year 1996 and the future years defense program.

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

SUBCOMMITTEE ON READINESS

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Readiness of the Committee on Armed Services be authorized to meet at 9 a.m. on Thursday, March 30, 1995, in open session, to receive testimony on current and future Army readiness in review of the defense authorization request for fiscal year 1996 and the future years defense program.

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

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY AND SPACE

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology and Space of the Senate Committee on Commerce, Science and Transportation be authorized to meet on March 30, 1995, at 10 a.m. on oversight of the National Science Foundation and Office of Science and Technology Policy.

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

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be granted permission to conduct a hearing Thursday, March 30, at 9:30 a.m. on legislation to approve the National Highway System and other related transportation requirements.

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

ADDITIONAL STATEMENTS

MILITARY NOMINATIONS

• Mr. THURMOND. Mr. President, the Senate Armed Services Committee favorably reported the nomination of Vice Adm. Joseph R. Prueher for promotion to the grade of admiral and assignment as Vice Chief of Naval Operations.

I ask that a joint statement from Senator NUNN and me concerning this nomination be printed in the RECORD.

The joint statement follows:

JOINT STATEMENT OF SENATOR STROM THURMOND, CHAIRMAN OF THE SENATE ARMED SERVICES COMMITTEE AND SENATOR SAM NUNN, RANKING MINORITY MEMBER

The Committee on Armed Services has reported favorably the nomination of Vice Admiral Joseph R. Prueher for promotion to the 4-star grade of Admiral, to serve as the Vice Chief of Naval Operations.

Admiral Prueher has had a distinguished career. He is a graduate of the Naval Academy (with distinction). As a naval aviator, he served in Southeast Asia aboard U.S.S. *Kitty Hawk*, as a naval flight instructor at the Naval Air Test Center in Patuxent River, Maryland, and as Executive Assistant to the Secretary of the Navy. More recently, he served as Commander, Carrier Group One in San Diego, CA, where he was responsible for training battle groups preparing to deploy to the Western Pacific and the Arabian Gulf. In this capacity, he led the development of Maritime Joint Forces Air Component Commander capabilities for the Pacific theater. Today, he serves as the Commander, U.S. Sixth Fleet in the Mediterranean Sea and as the Commander of NATO's Striking and Support Forces Southern Europe. As Commander Sixth Fleet, he has directed the execution of the Navy and Marine Corps multimission role in the Adriatic Sea and former Yugoslavia in United States and allied operations in support of the United Nations. His awards include the Legion of Merit (three Gold Stars in lieu of subsequent awards), the Distinguished Flying Cross and the Air Medal with two Gold Stars in lieu of subsequent awards.

From 1989 to 1991, he served as Commandant of Midshipman at the United States Naval Academy. During his period as Commandant, there was a well-publicized incident in which a female midshipman, Gwen Dreyer, was mistreated by her male colleagues. A number of the midshipmen involved in the incident were disciplined, though none were dismissed from the Academy. The responsibility for the investigation and action on the investigation was vested in the Superintendent of the Academy, Vice Admiral Virgil Hill. Admiral Prueher, as Commandant of Midshipmen, was in the chain of command, under which he exercised certain responsibilities with respect to the investigation and subsequent action.

On April 28, 1992, he was nominated for promotion. The Committee began its normal review process when matters of this nature are involved in a nomination. While the nomination was under review, the President withdrew a number of nominations on September 9, 1992, including the nomination of Admiral Prueher. The Committee understood this was as a result of changes in Navy personnel requirements, and to provide an opportunity for further review in the Executive Branch of the Prueher nomination with respect to the issues that had been identified.

On March 15, 1993, the President resubmitted the Prueher nomination for promotion to Rear Admiral. Over the next five months, the Committee reviewed the materials related to the manner in which the incident was handled at the Naval Academy, including the views of the Secretary of the Navy endorsing the nomination. A copy of the Secretary's letter is included at the end of this statement. On August 6, 1993, the Committee considered and favorably reported the nomination. The promotion to Rear Admiral was confirmed by the Senate on August 3, 1993. Rear Admiral Prueher was subsequently nominated for promotion to Vice Admiral on November 5, 1993. His nomination was favorably reported to the Senate on November 18, 1993, and was confirmed by the Senate on November 19, 1993. The material concerning the Committee's previous consideration of the Prueher nomination is retained in the executive files of the Committee. It is available for review by any Senator upon request.●

THE SUCCESS OF FOREIGN AID

● Mr. SIMON. Mr. President, in March and April the organization World Neighbors will be featured in ''The Quiet Revolution—An Approach to aid that works: This PBS series documents effective foreign aid programs.'' The series features six humanitarian aid programs where people are successfully breaking out of poverty and taking charge of their own destiny. The Quiet Revolution takes an emotional and personal view of how effective aid programs can transform lives. Instead of presenting the poor as anonymous victims, it shows them as they really are: intelligent and capable people wanting to solve their own problems. It is an image of poverty that has rarely been seen and capable of touching hearts and minds.

The Quiet Revolution was a dream of Jack Robertson, a man who shared a great deal in common with the people chronicled in the films. Mr. Robertson died shortly after the films were completed and faced incredible odds throughout the making of the series. Yet he was driven by persistent optimism and stubborn refusal to let anything stop him from sharing the series with the world.

I would like to commend the World Neighbors and Mr. Jack Robertson for their tireless efforts to make such a needed documentary.●

SALUTE TO BUD LEA

Mr. KOHL. Mr. President, I rise today to salute a prominent figure in Wisconsin sports journalism, Mr. Bud Lea. Much to my dismay and the dismay of his many fans, Bud recently announced his decision to retire. For his entire career, which has lasted 42 years, Bud Lea has followed sports for the Milwaukee Sentinel. During his many years with the Sentinel, which by the way is the longest tenure of any Sentinel employee, Bud has witnessed and written about some of the greatest moments in Wisconsin sports history. From the Milwaukee Braves 1957 World Series victory to the legendary Green Bay Packers World Championships of the late 1960's, Bud was there. From the Milwaukee Bucks NBA Championship in 1971 to Marquette University's NIT and NCAA championships in 1970 and 1977 respectively, Bud was there. Whether it was an Olympic Gold Medal for Bonnie Blair or Dan Jansen, or the University of Wisconsin, Bud's alma mater, winning the 1994 Rose Bowl, Bud was there.

The past 42 years have been good to Bud Lea, but they have been even better to those who have had the privilege to read his column. His straightforward and often humorous column greeted all Wisconsin sports fans with an early morning recap of the day's sports news. With his retirement, Bud Lea, a native of Green Bay, has more than etched his name into the annals of Wisconsin sports history, he has become part of that history. Bud's retirement is well deserved, and I wish him, his lovely wife Filomena and his sons, Perry and Dean, well. Congratulations Bud Lea—dean of Milwaukee sports columnists and sports writers.●

THE DOLLAR'S DECLINE AS DOUBLE-EDGED SWORD

● Mr. SIMON. Mr. President, we are receiving regular reminders obliquely of the need for a balanced budget amendment.

In Sunday's Washington Post Jane Bryant Quinn's column ends with the words: ''Big cuts in the federal deficit would improve confidence abroad. But Congress and the voters aren't there yet.''

And in a column by Stan Hinden there is reference to Donald P. Gould, a California money manager of a mutual fund.

In the Hinden column, among other things, he says: ''Gould noted that the global strength of the dollar has been slipping for 25 years—except for an upward blip in the early 1980's.''

It is not sheer coincidence that for 26 years in a row we have been operating with a budget deficit.

Hinden also notes in his column:

> Since 1970, the dollar has lost more than 60 percent of its value in relation to the German mark and has dropped almost 75 percent in relation to the Japanese yen. In 1970, it took 3.65 German marks to buy one U.S. dollar. As of last week, you could buy a dollar with only 1.40 marks.

I served in Germany in the Army after World War II, and I remember it took a little more than 4 marks to buy a dollar.

The Washington Post writer also notes:

> Gould, who is president and founder of the Franklin Templeton Global Trust—which used to be called the Huntington Funds—is not optimistic about the dollar's future. He sees little chance that the United States will be able to solve the fiscal and economic problems that have helped the dollar depreciate.

We are getting that message from people all over the world.

I cannot understand why we do not listen.

Finally, Donald Gould is quoted as saying:

> For the first time I am aware of, during a global flight to quality, that quality has been defined as marks and yen and not dollars.

I hope we start paying attention to this kind of information.●

IN MEMORY OF MATTHEW ELI PUCCIO

● Mr. MOYNIHAN. Mr. President, with much sorrow, I would like to tell the

Members of the Senate of a horrible loss. On Sunday, February 26, 1995, Matthew Eli Puccio, a young gentleman from New York City, was involved in a terrible accident that took his life.

Matthew shall be remembered fondly by his parents, teachers, and friends as a young man of exceptional character and kindness. His departure is felt by us all.

Matthew's mother, Carol L. Ziegler, recently sent to me a short paper that Matthew had written for a school journalism assignment. In this paper, he discusses term limits and his personal opposition to the issue. I believe that many of my colleagues in both Houses of Congress will find Matthew Puccio's paper of interest, and I ask that the text be printed in the RECORD.

The text follows:

Over the past few years, some politicians, primarily Republicans, have proposed term limits be set for Members of Congress. Term limit means that a Member of Congress can be elected only a certain number of times. To be exact, since 1990, 23 million people in 16 States have voted for this law to be passed. Most of these people in 16 States have voted for this law to be passed. Most of these people want term limits to increase electoral competition. They want change every now and then. If this law were actually passed, it would be a mistake. What if a Member of Congress is doing a good job? Take New York Senator, PATRICK MOYNIHAN, for example. He has just been elected to his third term and is doing a great job in office. Why should they be pulled from office at risk of being replaced by someone who would do less of a job? In this case, what is the need for change? On the other hand, if a Member of Congress is doing a bad job and wants to run again, he could always be voted out.

Setting term limits also takes away a politician's constitutional rights. Why shouldn't he or she be allowed to run for office as much as they want, with the intention of helping their country? If they are not elected, they are not elected, but they should have the chance. On the flip side, this also takes away the people's constitutional rights. Why shouldn't the people be allowed to have who they want in Congress, regardless of how long he has been in office? More specifically, term limits violate the Bill of Rights which list the freedoms of the people. Term limits may seem like an easy answer but it is just unfair. Elections are the people's choice. Anyone should be allowed to be in Congress for as long as they want, as long as they are doing a good job, and the people want to vote them in.●

EVERYBODY WINS

● Mr. SIMON. Mr. President, this month on Capitol Hill an exciting literacy program began with the help of Senators and Senate staff. The children of the Brent Elementary School are now being read to once a week during their lunch hour by volunteers in the Everybody Wins Program. Everybody Wins is a successful literacy program started in New York City, which matches up professionals with at-risk, inner-city school children as reading partners.

During each power lunch session, the reading partners select a book and read aloud together—an activity that the Commission on Reading calls the single most important activity for building a child's eventual success in reading.

Everybody Wins, started by businessman Arthur Tannenbaum in New York City, is for the first time branching out to Washington, DC, and enlisted the help of the Senate to reach out to their neighbors on Capitol Hill. The bipartisan support in the Senate began when I joined Senator JEFFORDS' efforts to implement the program. All of the Senators on the Labor and Human Resources Subcommittee on Education, Arts, and Humanities have since become involved.

Already 7 Senators and over 100 Senate staff members are reading to children during their lunch hours. Many of the Senators who are working with the program are so impressed that they are moving to implement Everybody Wins in cities in their own States. Mr. Tannenbaum's ultimate goal is to have every child in the country read to either by a parent or relative or a volunteer.

I want to commend Mr. Arthur Tannenbaum on his hard work, his leadership in this area, and his strong commitment to improving the lives of children.●

THE CALENDAR

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 30, S. 464, and Calendar No. 31, S. 532, en bloc; that the bills be deemed read a third time and passed; and the motions to reconsider be laid upon the table, en bloc; and, that any statements relating to any of the bills be placed at the appropriate place in the RECORD. This has been cleared on both sides.

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

So the bills (S. 464 and S. 532), en bloc, were deemed read for a third time, and passed, as follows:

FEDERAL COURT DEMONSTRATION DISTRICTS ACT

The bill (S. 464) to make the reporting deadlines for studies conducted in Federal court demonstration districts consistent with the deadlines for pilot districts, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

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

SECTION 1. EXTENSION OF CIVIL JUSTICE EXPENSE AND DELAY REDUCTION DEMONSTRATION PROGRAMS.

Section 104 of the Civil Justice Reform Act of 1990 (28 U.S.C. 471 note) is amended—

(1) in subsection (a)(1) by striking ''4-year period'' and inserting ''5-year period''; and

(2) in subsection (d) by striking ''December 31, 1995,'' and inserting ''December 31, 1996,''.

VENUE CLARIFICATION ACT

The bill (S. 532) to clarify the rules governing venue, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

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

SECTION 1. VENUE.

Paragraph (3) of section 1391(a) of title 28, United States Code, is amended by striking ''the defendants are'' and inserting ''any defendant is''.

ORDERS FOR FRIDAY, MARCH 31, 1995

Mr. HATFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9:30 a.m. on Friday, March 31, 1995; that, following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; and, there then be a period for the transaction of routine morning business with Senators permitted to speak therein for up to 5 minutes each not to extend beyond the hour of 10 a.m..

Mr. President, at 10 a.m. the Senate will then resume consideration of supplemental appropriations bill, H.R. 1158.

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

Mr. HATFIELD. Mr. President, I further ask that at 10 a.m. the D'Amato amendment be laid aside in order to consider an amendment by the Democratic leader.

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

PROGRAM

Mr. HATFIELD. Mr. President, for the information of all Senators, the Senate will again debate the supplemental appropriations bill, and a number of amendments still remain. Therefore, votes can be expected to occur throughout Friday's session of the Senate.

Also, Senators are to be reminded that the official Senate picture of the Senate in session will be taken on Tuesday, April 4, at 2:15 p.m.

If there is no further business to come before the Senate, I now ask that the Senate stand in recess under the previous order, following the remarks of the Senator from Illinois, Senator MOSELEY-BRAUN.

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

The Senator from Illinois.

Ms. MOSELEY-BRAUN. Mr. President, I thank you very much. I thank the Senator from Oregon.

I would like to yield to the Senator from Rhode Island 2 minutes.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I thank my friend and colleague from Illinois very much indeed.

INVEST IN EDUCATION

Mr. PELL. Mr. President, as we review all options for reducing Federal expenditures, I am very much of the mind that we should not reduce Federal education assistance. In my opinion, education is an investment in our people and in the future strength and health of our Nation. This is particularly true for programs that are targeted to enhance the educational opportunities of those citizens who need our help the most.

It is without doubt that every aspect of our lives depends upon a well-educated citizenry. I fear that cutbacks in Federal education aid diminish achieving that goal, and weaken our ability to retain our leadership in the world marketplace.

As we debate this rescission bill, however, it is also important that we keep things in perspective. While I regret some of the cutbacks that are part of the package under consideration, it is only fair that we acknowledge that the legislation before us is far better than that so recently approved by the House. In education, for example, the cutbacks are a full $1 billion less than those in the House bill.

In many areas, there is very good news. There are, for example, no cuts in student aid, no reduction in Pell grants, no cutbacks in campus-based aid, and no curtailment of funding for the SSIG Program.

Aid for the vitally important Dropout Prevention Program is continued. Cutbacks in safe and drug-free schools are a full 80 percent less than those in the House-passed bill. There are few, if any, cutbacks in literacy programs that reach out to help those in need of these services. Cuts in library services and construction are very small. And, funds are provided for a new and very important program of aid in civics and economic education exchanges with the emerging democracies of Eastern Europe and the former Soviet Union.

Thus, while I may have differences on some of the cutbacks contained in this legislation, I find I can support a majority of the provisions with considerable enthusiasm. I believe we must look carefully at the details of this bill. While some provisions could be improved, most are quite encouraging. I want, therefore, to commend Chairman HATFIELD, the members of the Appropriations Committee, and especially their staff for the very long, hard, and thoughtful work they have put into this legislation.

CHANGE OF VOTE

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. AKAKA. I thank the Chair.

Mr. President, I wish to make this request.

On rollcall No. 124, I voted ''yea''. It was my intention to vote ''nay''. Therefore, I ask unanimous consent that I be permitted to change my vote. This will in no way change the outcome of the vote.

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

Mr. AKAKA. I thank the Chair.

The PRESIDING OFFICER. The Senator from Illinois, Senator MOSELEY-BRAUN.

Ms. MOSELEY-BRAUN. Mr. President, thank you.

AFFIRMATIVE ACTION

Ms. MOSELEY-BRAUN. Mr. President, I rise to speak about a subject that has taken a lot of time and attention, particularly in these days, which goes I think to the heart of the American dream and the future that we face as a nation. That subject, of course, is affirmative action.

Mr. President, if I could withhold for just 1 second, please.

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.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. MOSELEY-BRAUN. Mr. President, thank you for your patience and indulgence.

Mr. President, I rise this evening to speak about affirmative action. There has been a great deal of discussion about affirmative action lately. Unfortunately, too little of that discussion has focused on the facts. Affirmative action is about working people, about middle-class families, and about jobs.

It is about the basic right of all Americans to have access to education, to have the opportunity to get a good job, to have the opportunity to be promoted when they work hard—to do better than their parents did. It is, quite simply, about ensuring fundamental economic fairness for all our citizens.

We have come a long way in ensuring that economic opportunity exists for all Americans; yet much work remains to be done. That is why it would be extremely shortsighted at this point in time for the Senate to retreat on affirmative action. Before we act, we must consider all of the facts.

We cannot allow cynical political games to be played with an issue of this much importance. And we cannot allow ourselves to fall prey to attempts to make affirmative action a debate about race. It is not. What affirmative action is really about is fundamental fairness. It is about whether each of us will be allowed to fully participate in society, regardless of our gender or race, or will instead be held back by conditions that have nothing to do with merit, or talents and abilities. It is a debate that lies at the core of our national economic competitiveness.

THE TRUTH ABOUT AFFIRMATIVE ACTION

Mr. President, if we consider all the facts, it is abundantly clear that affirmative action is about equal economic opportunity, not just for minorities, but for women as well. It is about providing a chance to compete for those who may still be limited by a glass ceiling or artificial barriers to participation in our economy. In addition, affirmative action is now a business imperative for our country. In spite of the rhetoric and myths surrounding this concept, the truth is that every American stands to benefit when each citizen is given a chance to contribute to the maximum extent of his or her ability.

Our work force is changed. Our country has moved in the direction of making the American dream of opportunity a dream that is open to all Americans. Affirmative action has played a major role in opening up doors and providing opportunity for the millions of people who did not have a chance to participate in the full range of economic activities this country has to offer. And our society has benefitted as a result.

In 1964, when the first Executive order on affirmative action was issued, there were approximately 74 million working Americans. By last year, that number had grown to just over 123 million. In other words, since 1964, our economy has created 50 million new jobs. Although women and minorities entered the work force in unprecedented numbers, these new jobs were not created by taking away jobs held by men. Rather, they were created by making use of the talents that a diverse work force brings to our economy, and using those talents to help create new economic growth and more, new jobs. Affirmative action is not about taking away opportunity but about creating it.

I would like to take a moment to review the experience working women have had with affirmative action. Because many employers made a commitment to fostering diversity, women made significant inroads into professions that had previously been off limits to them. In 1972, women comprised a mere 3 percent of architects. By 1993, that number had climbed to 18.6 percent. In 1972, women were 10 percent of all physicians, but by 1993, that number had grown to 22 percent. In 1972, women made only 4 percent of all lawyers, a number that grew to 23 percent by 1993. And, I might add, this is despite the fact that the Supreme Court, in Bradwell versus Illinois, once upheld a decision by my home State to deny an eminently qualified woman, Myra Bradwell, the right to practice law, solely on the basis of her gender.

Women have made equally significant gains in the science fields. In 1972, women comprised a dismal 0.8 percent of all engineers—less than 1 percent! But by 1993, that number had grown to 8.6 percent. In chemistry, women's

share of the jobs grew from 10 percent in 1972 to almost 30 percent in 1993.

In 1972, there were so few female airline pilots that the Department of Labor did not even bother to keep track. By 1993, women were 4 percent of airline pilots—a gain worth celebrating, although there is clearly still a long way to go. In the advertising profession, women went from 22 percent of the work force in 1972, to 50 percent in 1993—almost equal their percentage of the population. And the good news does not stop there. Women hold 42 percent of college teaching positions, compared to 28 percent in 1972.

Even more importantly, a rapidly growing number of women now own their own businesses—they are the bosses! During a recent 5-year period, the number of women-owned businesses increased by 58 percent, four times the rate of growth for all businesses. And during that same period, the revenues for women-owned businesses nearly tripled to over $275 billion. The number of women-owned manufacturing businesses more than doubled in that 5-year period, and the revenues of those businesses increased almost six-fold over those 5 years.

I could go on—and in the coming weeks and months, I will. But today, I simply want to underscore that the achievements working women have made, would not have occurred without a commitment by employers' to seek out, and to foster, diversity. Affirmative action is at the heart of that commitment.

AFRICAN-AMERICAN MEN STILL MOST IN NEED

Mr. President, it is also worth pointing out—when we discuss the progress that women have made—that African-Americans in general, and African-American men in particular, have benefitted the least of any group from affirmative action. When you say the words, ''affirmative action,'' many people automatically think of a black man as the beneficiary.

Consider this: Median annual earnings for African-American men have actually shown little or no improvement over the past two decades compared to white men. In 1975, black men earned 74.3 percent of what white males did. In 1985, that figure was 69.7 percent, a drop of almost 5 percent points. In 1993, that figure was back up to 74 percent—but still lower than the 1975 level.

In 1979, 99.1 percent of senior level male employees were white, while 0.2 percent were black. In 1989, the figure for white males had declined slightly to 96.9 percent, while blacks has risen to 0.6 percent—still less than 1 percent.

Unfortunately, the lack of progress by black men applies across the board, regardless of qualifications or education level. And the fact remains that, for black men, professional degrees do not necessarily close the earnings gap: African-American men with professional degrees earn 79 percent of the amount earned by white males who hold the same degree, and who are in the same job category.

And finally, a Wall Street Journal study showed that in the 1990–91 recession, black men were the only group that suffered a net employment loss. They suffered job losses in 36 States, and in 6 of the 9 major industries. They held 59,479 fewer jobs at the end of the recession than they had held at the beginning. I could go on citing statistics. But what these numbers tell us is that, despite the claims of affirmative action opponents, black men are not taking all of the jobs that were formerly held by white men.

This group—black men—is the segment of the population that has faced the most persistent discrimination, that has encountered the toughest problems, and has had the longest road to travel. Without our past efforts to create equal opportunity, black men might be much worse off; at the very least, this is not the time to compound the problem.

The fact remains that, while white men are approximately one-third of the population, they comprise 80 percent of the Congress, hold four-fifths of tenured positions at colleges and universities, constitute 95 percent of Fortune 500 companies' senior managers and 99.9 percent of professional athletic team owners, and have been 100 percent of U.S. Presidents. I addition, an examination of historical unemployment tables debunks the myth that jobs are going to black men at the expense of white males. The fact is that unemployment rates for white males have remained relatively steady, while unemployment rates for black males have increased. In 1972, unemployment among white males was 5.1 percent, compared to 10.4 percent for black males. In 1994, the unemployment level for white males was 5.3 percent, a slight increase of +0.2 percentage points from 1972. In contrast, the 1994 unemployment rate for black males was 11.5 percent, an increase of +1.1 percentage points. Again, in spite of affirmative action, the facts show that white men are not losing jobs to black men.

I cite the numbers because it is important, I think, to debunk the notion that affirmative action is a zero sum game that pits one group of Americans against another, and may be seen as a basis for dividing us to whatever degree is necessary. This is why this debate is so important and why we have to communicate the truth about affirmative action to the people. As my mother used to say, we may be as different as the five fingers are, but we are all parts of one hand. We need each other and the benefits that our diversity provides. To allow affirmative action to be reduced to a them versus us conflict allows a short-sighted political game to obscure our common long term interests.

The fact is, as Americans, we are all in this together, and we all have a tremendous challenge to face together in this time of change in the world, and in our country. Affirmative action ought to be the focus of our collective efforts to make things better for everyone—it ought to be part of a great debate about the direction we must take—together—to address the critical economic and social issues of our time.

We have a significant economic agenda to tackle. We need to continue our work toward balancing the budget, toward restoring fiscal responsibility to the Federal Government, and toward ensuring that our children—and their children—will not be saddled with a legacy of debt. We need to create jobs. We need to ensure that every American who is able to work, can work. We need to ensure that our children are sent to learn in schools that are not hazardous to their health, and that will prepare them to compete in today's global marketplace.

If there is any objective that should command complete American consensus, it is ensuring that every American has the chance to succeed—and that, in the final analysis, is what affirmative action is all about. No issue is more critical to our country, and no issue is more critical to Me. Nothing makes a bigger difference in a person's life than opening up opportunities. Certainly, nothing has made a bigger difference in my life—and nothing has had a more positive impact on the economic well-being of our Nation.

NO QUOTAS OR PREFERENCES—AND MERIT DOES MATTER

The fact is that the successes in the economy that women and minority men have achieved over these past three decades since the first affirmative action executive order by President Johnson have not been due to quotas.

The quota debate is a fake. It is a fraud. It is an attempt to reduce affirmative action to an absurdity that serves only to pander to negative emotions. It is a myth that only those who either do not know or do not care about the truth would even discuss in the context of affirmative action. Quota is often the buzz-word of choice used by those who prefer myth to truth, and who want to create fear from insecurity and confusion. When we speak of affirmative action, we are talking about a range of activities calculated to support opportunity and diversity in the workplace and in our economy. We are talking about goals and timetables, not quotas. What goals do is encourage employers to look at their workforce, to consider if women and minorities are underrepresented and—if they are—to try and correct the situation. Goals are flexible, temporary, and are instruments of inclusion. There are no legal penalties if employers make good faith efforts, but are unable to comply with their goals or timetables.

The perspective of affirmative action is actually the opposite—the reverse—

of the quota perspective. The quota argument suggests that one look at numbers before the fact to limit opportunity for some. Affirmative action, on the other hand, looks at numbers after the fact, to observe the effects of diversity in the workplace. The two concepts are simply incompatible. Affirmative action does not tell employers they have to hire 12.5 women, or 2.5 native Americans—or that they have to follow any inflexible numeric formula. Instead it provides a benchmark for diversity, a progress report, if you will, to help decisionmakers, employees, identify whether impairments to opportunity have been adequately addressed and removed. In fact, arguably since the 1978 case of Regents of the University of California versus Bakke, and definitively since the case of City of Richmond versus J.A. Croson Co., the use of quotas by State and local governments, or educational institutions, have been held by the Supreme Court to violate the equal protection clause of the constitution. There are exceptions, of course, for cases involving prior, positive and systemic discrimination, and the court has applied slightly different standards to the Federal Government.

In addition, the Equal Employment Opportunity Commission's guidelines governing voluntary affirmative action provide that in order to be valid, voluntary affirmative action programs must comply with a number of guidelines. First, they must be adopted to break down patterns of racial segregation, and to expand employment opportunities to those who have traditionally been barred from certain occupations or positions. In addition, the plans cannot unnecessarily trample the rights of those who were not targeted, usually non-minorities or men. Finally, plans can only seek to hire qualified individuals, and they must be flexible. So clearly, if any individual feels they were not hired due to an explicit quota provided for a minority or a woman, they can bring suit for a violation of equal protection.

As a benchmark for diversity, affirmative action must always be fair action. The concept of fairness in education and employment particularly rests on fundamentals relating to merit, to competence, to qualifications. No on benefits, not the community in general, the company, nor the individuals involved, if unqualified people displace qualified ones. But that is not what affirmative action is supposed to do.

It is never fair to promote an unqualified individual at the expense of a qualified individual, which is why affirmative action does not require that employers do so. To require that a person be hired or promoted, solely on the basis of their gender or race, not their competence, is exactly the type of discrimination affirmative action seeks to end.

Instead, affirmative action encourages employers or educators to seek out all qualified applicants, regardless of their gender or race. There are a number of workplace practices—word of mouth recruiting, job requirements unrelated to actual duties, et cetera—that can have the effect of limiting a hiring or promotion pool, whether intentional or not. Affirmative action works to ensure this does not occur, by reaching out to qualified minorities and women.

In addition, affirmative action helps ensure that job requirements fit the job. Under affirmative action, employers are no longer allowed to establish irrelevant criteria that applicants must fulfill before being considered for hiring or promotion—requirements that may work to exclude otherwise qualified individuals.

NOT TO SAY THAT PROGRAMS SHOULD NOT BE REVIEWED

There have been suggestions that our existing affirmative action programs must be reviewed, and I agree; no program should ever be immune to review. However, a review cannot mean a retreat from the proposition of equal opportunity for all. I am confident that any review of affirmative action will show what the Nation's major employers already know: Affirmative action is good for the community, good for companies, good for working people, and good for the country.

THIS IS IMPORTANT, BECAUSE AFFIRMATIVE ACTION IS GOOD BUSINESS

Mr. President, I do not think that our current debate over affirmative action could have come at a more ironic time. The Department of Labor just recently issued its fact finding report on the existence of the ''glass ceiling''—those invisible, yet very real barriers that continue to confront women and minorities as they attempt to participate in the work force. The Glass Ceiling Report reviews in great detail the barriers to participation that fall short of overt exclusion but which still operate to limit the full participation of women and minorities in our economy. It clearly identifies the relevance of diversity in the workplace. Most important, it is a compelling endorsement of the value of affirmative action.

The foundation for the report was a document prepared by the Department of Labor—which helped publicize the glass ceiling phenomenon. As our distinguished majority leader, Senator ROBERT DOLE, stated at that time, the report has confirmed what many of us have suspected all along—the existence of invisible, artificial barriers blocking women and minorities from advancing up the corporate ladder to management and executive level positions * * * the issue boils down to ensuring equal access and equal opportunity * * * these principles are fundamental to the establishment of this great Nation, and the cornerstone of what other nations and other people consider unique to the United States—namely, the possibility for everyone to go as far as their talents and hard work will take them.

Congress created the Glass Ceiling Commission as part of the Civil Rights Act of 1991. The commission, comprised of 21 members, was charged with conducting a study and preparing recommendations on ''eliminating artificial barriers to the advancement of women and minorities.''

The current attack on affirmative action coincides, almost exactly, with the release of the commission's fact-finding report, entitled ''Good for Business: Making Full Use of the Nation's Human Capital.'' It is also, however, fortuitous, for the commission's report provides those of us in Congress, who will soon be debating the future of affirmative action, with two fundamental truths: the first of these truths is that, though we have come far since Lyndon Johnson issued Executive Order No. 11246, there is still much progress yet to be make. The United States still fails to utilize the talents and resources of far too great a percentage of its population in far too many industries.

The second truth is that, if progress is not made, it will not be just minorities and women who suffer, but the community as a whole. Affirmative action is about far more than just equal opportunity—it is about our economic prosperity. It is about access to education and jobs for working people, for middle class families, and for our children. Indeed, a recent Washington Post article entitled ''Affirmative Action's Corporate Converts,'' documented this fact. In the article, the chairman of Mobil Corporation, Mr. Lucio A. Noto, summed up the view of many employers: ''I have never felt a burden from affirmative action, because it is a business imperative for us.''

HOW FAR WE HAVE TO GO

The overview of the Glass Ceiling Commission's fact finding report begins: corporate leaders surveyed, women and minorities who participated in focus groups, researchers, and government officials all agree that a glass ceiling exists, and that it operates substantially to exclude minorities and women from the top levels of management. This statement is underscored by a wealth of detailed factual information, which illustrates this conclusion in no uncertain terms. Take, for example, a survey of senior level managers of Fortune 1000 industrial companies and Fortune 500 service industries, which established that 95 to 97 percent of senior managers—vice-president and above—are white men.

Or, the report's finding that—

> Despite identical education attainment, ambition, and commitment to career, men still progress faster than women. A 1990 Business Week study of 3,664 business school graduates found that a woman with an MBA from one of the top 20 business schools earned an average of $54,749 in her first year after graduation, while a comparable man earned $61,400—12 percent more.

And the problems are not limited to the business world. While women hold over 4 in every 10 college teaching

jobs—more than 40 percent—they only hold 11 percent of tenured positions.

The Glass Ceiling Commission's report makes it clear what the problem is. It is not a ''women's problem.'' It is not a problem related to any lack of ability on the part of women or minorities. It is a problem going to the heart of the American dream—whether the workforce is for some Americans, or for all Americans.

The report concluded, after years of research, that there are two major impediments to full participation by women and minorities:

First, the prejudices and stereotypes of many white male middle managers, and;

Second, the need for greater efforts by many corporate CEO's—who have made an initial commitment to diversity and expanded economic opportunity—to fully translate those words into realities.

The sub-heading on a recent New York Times article by reporter Peter T. Kilborn, which detailed the commission's findings, highlights the problems presented by stereotyping. The heading reads: ''Report Finds Prejudices Block Progress of Women and Minorities.'' And the story goes on to depict the barriers that, unfortunately, still must be overcome by women and minorities seeking to climb the corporate ladder. Kilborn writes:

> In exploring the demography of American upper management, a Government commission Wednesday put its official stamp on what many people have suspected all along: important barriers to the progress of women and minorities are the entrenched stereotypes and prejudices of white men. Women, the report of the Federal Glass Ceiling Commission said, are perceived by white males as not tough enough and unable or unwilling to relocate. Black men? Undisciplined, always late. Hispanic men are deemed heavy drinkers and drug users who don't want to work—except for Cubans, who are brave exiles from communism. Asians? More equipped for technical than people-oriented work. And, the report said, white males believe that none of these folks play golf.
>
> Never mind that women's attendance records are better than mens', discounting maternity leaves; that Hispanic Americans work longer than the non-hispanic white men putting them down, or that American management is impressed enough by Asian management that it often apes it.

The Glass Ceiling report speaks to some of the reasons for this persistent bias. Too many white male middle managers still allow false myths obscure their vision. They are still unable to see the benefits of making full use of the talents of women and minorities.

The problem we face now—the problem of persistent bias—is different than the blatant, officially sponsored discrimination faced in the 1950's and 1960's, but it is no less real. It is certainly no less harmful to those who are not considered for a job, or a loan, or a Government contract. And it is most definitely no less worthy of congressional action than the official discrimination that Congress addressed in the 1960's.

Most of us can remember the time in our country when women who worked outside the home had to face official barriers to their participation in the labor force. Or when black and other minorities were denied employment or other economic opportunity solely because of their color. Legislation such as the Civil Rights Act of 1964, which was designed to provide equality of employment and educational opportunities, or the Civil Rights Act of 1968, which sought to provide fair housing laws, has gone a long way toward striking down those official barriers.

But the unofficial ones still remain. It is as though the hurdles have been taken off the track, but the ruts have not yet been removed for women and minorities who seeks to participate in the economy of our country. President Johnson made the point eloquently when he issued Executive Order 11246, which requires that all employers with Federal contracts in excess of $50,000 file affirmative action plans with the Government. Under that order, which is the foundation of affirmative action, the plans must include goals and timetables—not quotas—for the hiring of minorities and women, and employers are required to make good faith efforts to comply with the plans. President Johnson stated when signing the order:

> Freedom is not enough. You do not wipe away the scars of centuries by saying: Now, you are free to go where you want, do as you desire, and choose the leaders you please. You do not take a man who, for years has been hobbled by chains, liberate him, bring him to the starting line of a race, saying ''you are free to compete with all the others,'' and still justly believe you have been completely fair. thus it is not enough to open the gates of opportunity . . . we seek not just equality as a right . . . but equality as a fact and as a result.

The progress we have made in opening up opportunity is no cause for resting on our laurels—the end of discrimination did not mean the beginning of inclusion.

We still have a long way to go to eliminate the persistent bias which creates barriers to the full participation—and the complete contributions—all of our people have to give. It stands to reason that, if we create conditions that allow our Nation to tap the talents of 100 percent of our people, we will be better off than if we can only tap the talents of half.

And that is the conclusion of the report just issued by the Glass Ceiling Commission, a conclusion which is expressed in the report's title: ''good for gusiness—making full use of the Nation's human capital.'' Simply stated, the conclusion reached was that:

> Increasing numbers of corporate leaders recognize that Glass Ceilings and exclusion of members of groups other than white non-Hispanic males are bad for business because of recent dramatic shifts in three areas that are fundamental to business survival: changes in the demographics of the labor force, changes in the demographics of the national consumer markets, and the rapid globalization of the marketplace.

These shifts—changes in the demographics of the labor force, changes in the demographics of the national consumer markets, and rapid globalization of the marketplace— highlight why a retreat from affirmative action will hurt us all.

The Washington Post article, previously quoted, underscores that point. The article points out that the opinion that affirmative action is a business imperative is:

> Not a maverick view. At many of the Nation's large corporations, affirmative action is woven into the fabric of the companies. And the diversity that affirmative action regulations has encouraged has become a valuable marketing and recruiting tool, an important edge in fierce global competition.

A 1993 study of Standard and Poor 500 companies showed that firms that succeed in shattering their own glass ceilings racked up stock-market records that were nearly two and one-half times better than otherwise comparable companies. Companies have benefitted by opening their doors to all American workers—and we will all continue to benefit, so long as those of us in Congress do not retreat from our commitment to opportunity for all.

It is often the case that those of us in Congress are called upon to vote on issues with which we have had no personal experience. But the issue of creating the opportunity for women and minorities to become full economic partners in our society is dear to my heart, because as a woman, and a minority, I have seen first-hand the benefits that accrue from creating a climate of opinion that sets the stage for hope and for real opportunity in the areas where potential and talent matter most.

I would ask my colleagues to consider the experience of those of us who have had to overcome artificial barriers to achievement. What our experiences illustrate are the basic principles that Congress must consider—and must preserve—as it debates affirmative action.

The first of these principles is that every American must have access to education. The opportunity to attend the University of Illinois, and the University of Chicago Law School, gave me the tools I needed to enter the work force. The climate created by congressional support for affirmative action encouraged my law school to seek out and embrace diversity. They were persuaded not just to look beyond the stereotypes, but to reach outside the traditional pool of applicants, and to actively seek out qualified students who could bring a different point of view to the educational environment. This, of course, benefited more than the individual students—it benefited the entire university as well.

The second basic principle is that every American must have access to good jobs. My first job out of law school was working as an assistant United States attorney—a job that would have been virtually impossible

for a woman to hold just 20 years earlier. Because of affirmative action, I was given a choice and a chance in the career path.

And the third basic principle, from which there can be no retreat, is that every American must have the opportunity to advance as far in their field as their hard work will take them. As the glass ceiling report has shown, getting a job is only half the battle. Just as bias must not be allowed in hiring, it must also not be allowed in promotion, or in access to capital, or policy making, or in any other endeavor that affects the community as a whole.

The ''glass ceiling'' is bad for women, bad for minorities, and bad for our Nation's businesses. It is not enough that women and minorities are able to enter the work force; we also have to have the opportunity to succeed based on their ability.

It has been argued by some that this debate we are focused too much on the past. They say that they were not there when the constitution was drafted, leaving women and African-Americans out of its promise of equal opportunity for all. They did not take any past actions, they did not carry out any past ''wrongs,'' and they should not have to work to correct those wrongs in the present.

But this debate is not about the past, Mr. President, or even the present. The need for continued action is not just about righting past wrongs—although past wrongs warrant strong actions; nor is it about repaying old debts—although substantial debts are owed to those people and their descendants who were harmed by their past exclusion from full participation in our economy. This debate is about the future, and the expanded economic opportunity that will come if all Americans are allowed to participate in the economy.

If you think about it, what we are debating is whether the majority of America's people—and that's what you get if you count our Nation's 51 percent women and 10 percent non-white males—will have a shot, a chance to participate on an equal footing in America's economic affairs.

Last month, I met with a group of young schoolchildren. I talked to them about the historic nature of the 104th Congress, and how we had come so far in the 75 years since the women's suffrage amendment became part of our Constitution. I pointed out to them that there are now eight women in the U.S. Senate. I spoke of this as if it were a great accomplishment. The children looked at me in confusion—one little girl looked at me and said: ''Is that all?''

What that young girl was telling us, is that we need to look at the whole picture. And when we do, we know without a doubt that much work remains to be done.

Majority leader DOLE stated, when he authored the legislation creating the Glass Ceiling Commission, ''Whatever the reasons behind the glass ceiling, it is time we stopped throwing rhetorical rocks and hit the glass ceiling with enough force that it is shattered.'' That recipe for action made sense then, and, with the issuance of the Commission's report, it makes even more sense now.

International competition is becoming tougher and tougher. We cannot succeed by bailing out of the competition, or by wasting the talents of half our citizenry. But that is what will happen—our country will fall behind—if we do not act aggressively to shatter the glass ceiling. If we do not make full use of the education and the skills of women and minorities, they are hurt as individuals, but we are hurt as a Nation as well.

In 1992, approximately 590,000 women, and 163,000 minority students graduated from college. Are we really prepared to say to them, ''Sorry, you're not allowed to compete.'' As parents, we all have hopes and dreams for our children. Are we really prepared to say to our daughters, ''Sorry, but you're not allowed to compete. Work hard, but you will still get paid less than the men working next to you, and you should not expect to be promoted.'' Are we really prepared, as a matter of national policy, to diminish their expectations that way? Are we really prepared to permit restrictions on their potential and their opportunities to continue for even 1 more day if there is anything we can do about it?

The answer should be obvious. There can be no retreat from the fundamental goals of affirmative action. There can be no compromise with the objective of ensuring full economic opportunity for every American.

Affirmative action has helped every American, not just women and minorities. Although opponents suggest that affirmative action is about creating race and gender preference, in fact, the opposite is true. It is about ending preferences based on prejudice and stereotype. It is about opening up our economy so that it works for all, and not just some.

I hope that my remarks here today will sound the alarm bell not just for minorities, but also for women across the Nation. In the 1940's, when the men of America went off to Europe and Asia to fight World War II, women entered the workforce in record numbers. ''Rosie the Riveter'' provided the essential support needed back home to keep America's factories running—both to fuel the war effort, and to sustain the domestic economy. During the war, women were hailed as heroes. But when the war was over, women were told that their services were no longer needed.

Well, I have news for those who would seek to roll back the gains women have made under affirmative action. This is not 1945. We will not go back—nor can the country afford for us to go back.

Instead of a retreat, we have to return to the fundamental truths. We have come a long way, we have made progress—but we have a long way yet to go. And if we have the wisdom, and the foresight to renew our commitment to equal opportunity, we will realize the other fundamental truth—that affirmative action is really all about justice. There are those who fear the loss of preferences created over time—the 100-percent set-asides of the past—which limited competition from the vast pool of talent women and minorities constitute. To them I say, it is counterproductive to handicap the competition, you lose, they lose, we as a nation all lose. Instead of being seduced by fear, be inspired by the hope of our Founders that in equality of opportunity lay the key to prosperity, the quality of life for all Americans would be lifted up.

There can be no retreat from our purpose, no compromise from our objectives—expanding economic opportunity, taking advantage of our diversity, moving the United States ever closer to the day when the eloquent vision set out in our Declaration of Independence becomes a reality for every American.

Abraham Lincoln, in his 1862 message to Congress, spoke words that resonate and reflect the seriousness of this debate:

> Fellow-citizens, we cannot escape history. We of this Congress and this administration will be remembered in spite of ourselves. No personal significance or insignificance can spare one or another of us. The fiery trial through which we pass will light us down, in honor or dishonor, to the latest generation * * * We—even we here—hold the power and bear the responsibility. In giving freedom to the slave, we assure freedom to the free—honorable alike in what we give and what we preserve. We shall nobly save or meanly lose the last, best hope of Earth. Other means may succeed; this could not fail. The way is plain, peaceful, generous, just—a way which, if followed, the world will forever applaud, and God must forever bless.

Affirmative action is a quintessential American challenge. I hope this Congress will prove worthy of it.

Mr. President, I have here a list of a number of companies, and a description of programs they have implemented to promote diversity in their organization. This list provides an overview of the variety of approaches that employers across America have taken to promote diversity. I ask unanimous consent that a list of these programs be placed in the RECORD.

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

CASE STUDIES OF SUCCESSFUL PROGRAMS

The Federal Glass Ceiling Commission has found that businesses vary in their awareness of glass ceiling issues and in efforts to overcome glass ceiling barriers. Some businesses pioneer initiatives to remove the barriers and continue to do so. The work and family programs offered by these employers, have great impact on the lifelong career paths of women and people of color who share responsibility for their families daily care, and their ability to take on promotions and opportunities if offered. This section

briefly describes the efforts of three companies—Xerox Corporation, Procter & Gamble, and IBM—that are successfully eliminating glass ceiling barriers while remaining competitive and profitable.

XEROX CORPORATION

CEO Commitment and Leadership—Almost 40 years ago, Joseph C. Wilson, the founder of Xerox, made diversity a core value of the corporation. He called it *''valuing and respecting people.''* Current CEO Paul Allaire believes that a diverse workforce gives Xerox a competitive edge.

Accountability—Allaire expects senior managers to develop and maintain a balanced workforce and holds them accountable for achieving those goals. In turn, senior managers hold their managers to the same standards. An annual memo entitled *Balanced Workforce Performance,* reports the workforce participation of minorities and women and summarizes progress in meeting the goals.

Under its Minority/Female Supplier Program, the company also holds its vendors to high standards of workforce diversity while expanding their business opportunities. In 1992, Xerox spent $196 million with minority- and women-owned businesses.

Outreach and Recruitment—Xerox has a longstanding and successful employee referral system in which all employees are encouraged to refer friends and relative to apply for employment. In the 1960s, Xerox initiated special efforts to recruit women and minority men, beginning with Booster, a collaborative program with Urban League affiliates, and Step-Up, a minority outreach program in Rochester, New York. Today the company has one team of African American managers who serve as liaisons with historically Black colleges and universities and another team of Hispanic managers who coordinate efforts to recruit Hispanic men and women.

Training—All employees are kept aware of company policies on issues sexual, racial, and ethnic harassment. A brochure highlighting the company policy is given to every employee. Xerox instituted workshops in sexual harassment prevention in 1982.

Development—High potential employees are counseled on the steps necessary to advance their careers. Their job assignments support their advancement—for example, of the 80 Xerox managers currently on international assignments, 13 are women and 23 are minorities. A key element of the succession-planning process is to improve the representation of minorities and women in upper management—currently 20 percent of Xerox vice presidents are members of minority groups and 12 percent are women. Twenty-four percent of the corporate officers are women and minorities.[1]

Mentoring—Caucus groups are fundamental to the company's mentoring activities. All groups are employee-initiated and employee-funded. They conduct workshops, conferences, and individual mentoring activities on management processes, career planning activities, and work/family issues. The company also has support groups based on sexual orientation, disability, and functional expertise.

Work and Family—Xerox's Life Cycle Assistance combines a variety of work/family programs that include income-based subsidies for child care, customized medical benefits, an employee assistance program, and tuition aid for employees.

PROCTER AND GAMBLE

CEO Commitment and Leadership—More than 30 years ago, Procter & Gamble's President Howard Morgan sent a letter to his senior managers, stressing that the company simply had to do better at providing employment for African Americans. Today, Chairman Edwin Artz sends an annual letter to P&G's more than 100,000 employees, outlining the company's diversity policies and emphasizing its conviction that, in his words—''Developing and managing a strong, diverse organization is essential to achieving our business purpose and objectives.''

Accountability—Each P&G business unit has specific goals for the development and advancement of minorities and women, as well as plans for achieving those goals. Data on hiring, promotions, job rotation, and training are entered into a computerized Diversity Measurement System, giving senior management the ability to track progress in meeting goals. The number of women at the department director level has doubled in the last five years and the number of minorities at the associate director level has tripled.

Outreach and Recruitment—P&G provides internships through the Graduate Engineering for Minorities Consortium, the National Urban League's Black Executive Program, and the National Alliance of Business Colleges' Cluster Program. In 1993, 47 percent of the interns were women and 46 percent were minorities. P&G provides leadership and support for several programs designed to attract minority students to engineering and science and the company provides support to numerous women's and minority organizations.

During the past 10 years the company's record of hiring and promoting minorities and women into management has been strong, with women averaging approximately 40 percent and minority men approximately 25 percent of new hires.

Training—All employees participate in diversity training. The company's goal is to create a business environment in which individual differences are not only valued but celebrated and prized.

Development—Development programs are customized to give each employee opportunities, tools, and skills needed to realize his or her full potential. P&G College, designed to reach all employees, is staffed by senior managers who teach basic business courses fundamental to business success.

Mentoring—Dozens of networking and support groups exist throughout the company—for example, Women Supporting Women (WSW) and the Asian American Self Directed Learning Conference. WSW's annual workshop brings together mid-level women managers to discuss job growth and development issues. The Learning Conference helps Asian and Pacific Islander Americans understand cultural differences and perceptions that affect business operations. Experienced P&G managers serve as counselors, coaches, guides, and advisors to less experienced employees and are available to all employees upon request.

Work and Family—P&G considers family-friendly policies as an investment that pays off in attracting and retaining employees. Family-friendly programs include child care leave, adoption assistance, on-site medical screening, employee assistance programs, tuition reimbursement for college courses, flexible schedules, and financial support of nearby child-care facilities.

IBM

CEO Commitment and Leadership—In 1935, when IBM first hired professional women in marketing, Chairman T.J. Watson declared, ''Men and women will do the same kind of work for equal pay.'' Current CEO Louis V. Gertsner, Jr., terms diversity ''an issue of strategic and tactical importance,'' made workforce diversity the subject of one of his first policy letters. He wrote,

''I believe workforce diversity to be of real importance to IBM's success. As the marketplace becomes increasingly diverse, IBM's competitiveness will be enhanced through a workforce which reflects the growing diversity of the external labor force, and the growing diversity of our customers.''

Accountability—IBM sets goals for minorities and women in job groups where they are underutilized, with the intention of achieving representation according to availability at all levels in the company. Each manager's annual appraisal includes an evaluation of his or her efforts in improving IBM's workforce diversity profile.

A salary analysis is conducted for each minority and female employee. These analyses compared minorities and women employees with their similarly ensuring situated white and male peers.

Outreach and Recruitment—IBM was the first company in the U.S. to support the United Negro College Fund in 1944, its initial year. The Company began active college recruiting at historically Black colleges in the 1950s. In 1972 IBM initiated the Faculty Loan Program which allows employees to take up to a year off to work for a college, at full IBM salary, in projects addressing the needs of disadvantaged, female, or disabled students. More than 1000 employees have participated. In 1991 IBM established the Minority Campus Executive Program. African American, American Indian, Asian and Pacific Islander, and Hispanic American executives serve as liaisons with the presidents of 24 colleges that have large/predominantly African America, Hispanic American, Asian and Pacific Islander American, and American Indian populations.

IBM recruits from colleges and universities that have significant numbers of women and minority students. Critical to recruitment are these three principles:

Equal employment and affirmative action are treated as business objectives.

Line managers at all levels are accountable for progress in meeting diversity objectives.

Investing time and effort in recruiting and sustaining a supply of diverse employees long-term, continuing success in meeting diversity objectives.

Training—All company diversity training programs use an IBM video, ''Valuing Diversity: A Competitive Advantage.'' Diversity councils indentify, recommend, and implement plans and programs to enhance workforce diversity management. The councils meet regularly and coordinate roundtable exchanges and focus groups to discuss opportunities, challenges, and concerns of the workforce. Training in sexual harassment prevention is an integral part of all employee training.

Development—Attendance at IBM's executive seminars is an important training experience in the company—in 1993, 22 percent of those attending were women and 7.7 percent were minorities. In the same year, 25 percent of those who attended IBM's advanced management school were women and 15.7 percent were minorities.

A key developmental experience is an international job assignment—an experience outside of the U.S. in a different culture and work environment. From 1991 to the end of 1993, more than 500 employees participated—15 percent were women and 9.6 percent were minorities.[1]

[1] The category ''minorities'' includes both men and women, so that a female employee is counted here both under the category ''women'' and as a minority.

[1] The category ''minorities'' includes both men and women, so that a female employee is counted here both under the category ''women'' and as a minority.

It is a requirement that the opportunity to use the Employee Development Plan process be offered to each woman, minority, Vietnam-era veteran, and person with a disability. The Employee Development Plan is a document used in partnership between the employee and the manager to understand and maximize strengths, and to identify and address weakness. It also provides a vehicle to discuss career aspirations and to establish a plan to help achieve reasonable career objectives.

Mentoring—The goal of IBM's Mentoring Program is two-fold. First, it provides a place where women and minorities, and people with disabilities can go for ''penalty-free advice''; and second, to provide senior employees and managers the opportunity to have a variety of coaching, developing, and managerial experiences with people who are different from them. Mentoring begins as soon as an employee joins IBM. The program supports employees at three levels:

Officer Level—Mentors guide selected women and minorities who have been identified as potential corporate officers.

Corporate Level—Mentors guide selected women and minorities who have been identified as potential executives.

Noncorporate Level—Mentors guide new employees to provide early career assistance and maximize their career growth.

Work and Family—IBM's ongoing goal in this area is to demonstrate that these programs are practical, effective, and efficient tools to achieve business results. IBM's Work/Life Programs are designed to help all employees be productive while meeting personal and family needs. Programs include flexible work hours and flexible work locations, a personal leave program, and child and elder care support. Work/Life Employee Surveys in 1986 and 1991 provided valuable data on existing programs, and led to recommendations for new projects/programs. IBM has made a special commitment to the subject of Dependent Care support. In 1989, IBM announced the IBM Funds for Dependent Care Initiatives, a $25 million investment made over the years 1990–1994. During that period more than 500 child care/elder care projects were funded in communities where IBM employees live and work. In addition, in 1992, IBM was one of the 11 ''Champion'' companies that funded The American Business Collaboration for Quality Dependent Care. It was the largest collaboration in U.S. history that included 156 organizations and invested 27 million dollars in 355 projects in 45 communities.

100 CORPORATE PRACTICES

In its examination of corporate glass ceiling initiatives, the Federal Glass Ceiling Commission found that comprehensive, systemic approaches are more likely to have lasting positive impact than isolate, one-shot or ad hoc approaches. Because they are designed to overcome the structural barriers specific to the business, different glass ceiling initiatives emphasize different components. However, research suggests that effective initiatives include components of the seven elements listed below. (The summary tables are organized by the following element headings and are found in the Appendices.)

LEADERSHIP AND CAREER DEVELOPMENT

AAA—American Automobile Association.
AT&T.
Barnett Bank
Connecticut Mutual
Connecticut Insurance
Corning Glass Works, Inc.
Fannie Mae
Gannett Co., Inc.
Hewlett-Packard Co.
JC Penny Co., Inc.
Massachusetts Mutual Life Insurance Company
Morrison & Foerster
New England Telephone—NYNEX
Pacific Gas and Electric
SC Johnson Wax
Tom's of Maine
University of North Carolina at Greensboro
US WEST

ROTATION/NONTRADITIONAL EMPLOYMENT

American Airlines.
Avon Products, Inc.
Chubb & Son, Inc.
Con Edison
E.I. du Pont de Nemours & Company

MENTORING

AT&T
Chubb & Son, Inc.
CIGNA
Dow Jones & Company
E.I. du Pont de Nemours & Company
Exxon Research & Engineering Co.
First Interstate Bank of California
JC Penny Co., Inc.
New England Telephone—NYNEX
Pitney-Bowes, Inc.
Procter & Gamble

ACCOUNTABILITY PROGRAMS

Baxter Healthcare Corporation
Corning Glass Works, Inc.
Square D Co.
Tenneco, Inc.

SUCCESSION PLANNING

American Airlines
Hershey Foods
McCormack & Dodge
Motorola, Inc.
Public Service Electric & Gas Company

WORKFORCE DIVERSITY INITIATIVES

Avon Products, Inc.
General Electric NY Silicone Manufacturing Division
General Foods
McDonald's
PDQ Personnel Services
Procter & Gamble
Renssalaer Polytechnic Institute
US West
—(a) Programs for Women of Color
US WEST
Xerox
—(b) Corporate Women's Groups/Networks
Avon Products Inc.
Case Western Reserve University
Hoffmann-La Roche
Honeywell, Inc.
—(c) Gender/Racial Awareness Training
Arthur Andersen & Co.
E.I. du Pont de Nemours & Company
JC Penny Co., Inc.
Hughes Aircraft
3M
MCA, Inc.
North Broward Hospital District
Pitney-Bowes, Inc.
Port Authority of NY & NJ
Raychem Corporation
Ryder Systems, Inc.
Tenneco, Inc.
Texas Instruments
—(d) Elimination of Sexual Harrassment
Apple Computer
AT&T
E.I. du Pont de Nemours & Company

FAMILY-FRIENDLY PROGRAMS

Eastman Kodak Company
Fel-Pro, Inc.
John Hancock Financial Services
Johnson & Johnson
Marquette Electronics
NationsBank
SC Johnson Wax
Pacific Gas and Electric
JC Penny Co., Inc.
Tandem Computer, Inc.
US Sprint
—(a) Flexible Work Arrangements
Arthur Andersen & Co.
Corning Glass Works, Inc.
Eastman Kodak Company
North Carolina National Bank
Pacific Bell
The San Francisco Bar Association
Sidley & Austin
Skadden, Arps, Slate, Meagher & Flom
Steelcase, Inc.
Tucson Medical Center
—(b) Parental Leave
Aetna Life & Casualty
Corning Glass Works, Inc.
IBM
Proskauer, Rose, Goetz & Mendelsohn
—(c) Dependent Care
Allstate Insurance Company
American Express Company
Amoco Corporation
Champion International Corporation
IBM Corporation
Johnson & Johnson
J.P. Morgan, Inc.
Motorola, Inc.
Philip Morris
Stride Rite Corporation
The Travelers
Work/Family Directions
Xerox Corporation

SUMMARY TABLES: LEADERSHIP AND CAREER DEVELOPMENT

AAA—American Automobile Association; Management Development Program: The four-level Management Development Program focuses on building the kind of skills AAA managing directors, general managers and mid-level managers need in order to lead the company in a changing competitive climate. The program is based on three core themes: (1) building the competencies of the AAA ''manager of the future''; (2) Action Learning, an idea borrowed from General Electric that focuses on immediate transfer of skills learned in class to on-the-job situations; and (3) member satisfaction, or convincing executives to spend time with customers so they can make decisions that better anticipate customer needs.

AT&T; Leadership Continuity Program (LCP); Executive Education Program: Introduced to help further the advancement of minorities and women into higher management, the LCP identifies and accelerates the development of managers who have the potential to be leaders in an intensely competitive environment. The Executive Education Program provides internal and external education experiences for AT&T executives and those middle managers identified as having high potential. Executive Education Program candidates, most of whom are in the LCP, are selected on the basis of their on-the-job learning experiences, career histories, career plans, and the business strategies of the organization. Executive Education Programs are offered internally and at 40 universities worldwide. Programs last from one week to two-and-a-half months.

Barnett Bank; Leadership and Career Development: Women are chief executives of four Barnett units and make up 44 percent of the highest paid employees. Women make up 21 percent of Barnett's senior and executive vice presidents.

Connecticut Mutual; Management Excellence Selection; Components for Leadership Development: 1. The Management Excellence process involves ''selecting individuals who will make successful managers in our environment.'' The process was developed through the McBurr model of competencies:

a group of average and outstanding managers was selected and studied in order to identify the traits that led to success in management and traits that the company wanted to emphasize in management selection and development.

2. Components of leadership development efforts:

Career path process: identifies the objective performance, skill and knowledge criteria for moving from one pay level in a job to the next, thus empowering the individual to plan his/her own growth and advancement.

Success factors for management: competencies demonstrated by the best managers in the company are described to enable individuals to plan their own growth and development as managers.

High potential list: developed through interviews conducted by personnel from human resources with the head of each of the business units and support units. This process identifies individuals at all levels of the organization with potential for higher level positions.

Continental Insurance; Advanced Development Program (ADP): The Advanced Development Program identifies the company's high-potential employees and, through rigorous training and accelerated career plan helps them attain key leadership positions in the company. The program takes select employees through a three-month training session during which each employee develops a career plan for next three to seven years. Assigned advisors serve as mentors, and along with position supervisors, they communicate successes and difficulties to ADP managers. The goal of the ADP is to develop talented, committed employees into skillful managers and proficient leaders.

Corning Glass Works, Inc.; Total Quality Program & Women's Advancement: The Quality Improvement Team is a task force designed to upgrade efforts in the recruitment, retention, and upward mobility of women in management. With a demonstration of commitment from the top down and input from both line and staff managers, implementation strategies are being planned. They include the development of action steps to hold managers accountable, succession planning for high-performing women, career development strategies to improve the current upward mobility rate for women, new recruitment efforts, implementation of a managing diversity education program, communicating policies and practices regarding women, and the development of community initiatives to encourage women to work at Corning.

Fannie Mae; Recruitment: Newly appointed as CEO in the early 1980s, David O. Maxwell challenged the traditional hiring patterns of the financial industry by deliberately recruiting a management team that included minorities and women. To continue increasing the number of minorities and women in mid- and senior-level positions, CEO Maxwell works aggressively with top management to identify and promote the company's most promising minorities and women.

Gannett Co., Inc., Partners in Progress: Instituted in 1979 by Chairman Allen Neuharth, the program encompasses strategies for recruiting, hiring, developing, and promoting minorities and women. The program features a system to measure performance of managers in developing minorities and women. It is aimed at high potential individuals for participation in management development programs. College recruitment and internship programs aimed at minorities and women ensure a diverse pool of talent from which future company leaders will emerge. The program, which has been tracked since 1981, has produced high percentages of minority and female employees and managers.

Hewlett-Packard Co.; Technical Women's Conference: The conference began as a grassroots effort by company women to showcase the achievements of HP's female engineers and scientists, promote their leadership development, and help them to network in a highly decentralized organization. After a successful first Technical Women's Conference in October 1988, the company sponsored a worldwide conference in May 1991, drawing 800 attendees.

JC Penney Co., Inc.; Management Development Program Leadership Forums: JC Penney Co., Inc. has created the Women's Advisory Team and the Minority Advisory Team to develop programs which increase the representation of women and minorities at the senior management level and to find ways to make the company's affirmative action plan more effective. Each team is composed of 16–18 management associates appointed directly by the company chairman. Focus groups with employees help develop team agendas. The teams have created a formal mentor program, an internal newsletter that focuses on workforce diversity, leadership forums that allow employees to hear from outside experts, and a direct broadcast system that electronically puts together managers to discuss diversity issues. They have developed a nontraditional staffing program which permits managers to better balance work and family responsibilities.

Massachusetts Mutual Life Insurance Company; Professional Development Boards: The company refined its 15-year-old Management Issues Board to emphasize the professional development of employees. The single board was expanded to four 15-member boards (3 product line and 1 corporate), and was renamed the Professional Development Boards. The new system provides professional staff with opportunities for career growth through their participation in challenging business projects. Participants develop critical skills, enhance their visibility with top management, and broaden their responsibilities, while assuring Mass. Mutual of a growing reservoir of professional and managerial talent.

Morrison & Foerster; Work and Family Diversity: For over a decade, this law firm has had in place an array of liberal work and family programs that help women in the demanding legal profession achieve their fullest potential. A flextime policy for partners and associates with caregiving responsibilities, a three-month paid maternity leave (followed by a three-month unpaid leave), a family sick leave and a firm-wide dependent care resource and referral program are viewed as basic levels of support. The firm has established ongoing training programs to teach lawyers, managers, and staff how to work with one another in an environment of diversity and how to manage in a workplace made more complex by the firm's commitment to flexible work arrangements for women. Lawyers and firm managers are also trained in preventing sexual harassment and delivering effective feedback.

New England Telephone—NYNEX; Women in Technology: The program was implemented to increase the number of women in technical positions, create support system for technical women, alleviate gender bias, and help women acquire the skills and opportunities they need to advance. A cornerstone of the initiative is education. In conjunction with a local university, employees with no technical background can enroll in a two-year certificate program to prepare themselves for technical careers. To help women who have technical experience move into higher levels of management, the company has a ''Corporate Leaders'' management succession plan. The program is open to both men and women.

Pacific Gas and Electric; Accelerated Development Program: Set up in 1988 to increase the number of minorities and women at senior management levels, the program allows PG&E to break away from traditional lines of progression that require an employee to remain in a specific job for a set number of years before being considered for a leadership position. Each business of the company can recommend employees for 10 slots available in the two-year program. Program outline and training are tailored to the career aspirations of each candidate. Of the 21 employees who participate in the program through 1993, 16 were successful, including one woman who now manages a power plant.

SC Johnson Wax, Management Succession and Development Committee: The Management Succession and Development Committee challenges managers to consider minorities and women for new openings, and pay and benefits structures are reviewed regularly to make certain that they are equitable and attractive to minorities and women. An effective job-posting system ensures that knowledge of available opportunities and of the hiring process is clear and that the hiring process is fair to all employees. Ongoing training and development is critical. SC Johnson Wax has also paid full tuition for employees' undergraduate and graduate studies.

Tom's of Maine; Leadership and Career Development: Women make up more than 45 percent of the employees and 33 percent of the board. One of three vice presidents is a woman, as are 50 percent of the managers.

University of North Carolina at Greensboro; Career/Leadership Advancement Program for Women Administrators: This pilot program was developed to address, at the state level, the scarcity of women in administrative positions, especially higher-level positions in higher education. It was a locally developed program that was funded by a local foundation, a local university, the participant enrollment fees, and the state American Council on Education/National Identification Project, which aims to identify talented women who are ready to move into senior administrative positions. The program provided the following: (1) high accessibility to women administrators and faculty in the state; (2) appraisal of career advancement as well as development of leadership skills; (3) individual career counseling for participants; and (4) training for participants in fiscal matters.

US WEST; Women of Color Project: In 1988, US WEST implemented its Women of Color Project to remedy inequities in the career opportunities for non-Caucasian women. The program was a response to the recommendation of three employee Resources Groups. The objective of the program, which has just recently completed its five-year lifespan, was to provide developmental and promotional opportunities for the women on the basis of their leadership, communication, and decisionmaking skills and the needs of the business. Of the 36 participants that completed the program, all experienced developmental opportunities and 83% were offered one or more promotional opportunities.

ROTATION/NONTRADITIONAL EMPLOYMENT

American Airlines; Nontraditional employment: See American Airlines: Succession Planning.

Avon Products, Inc.; Slating: High potential selection process: The slating process was instituted to expand the pool of internal candidates for open positions and to ensure that minorities and women are better represented in line positions. When a position

for manager, director, or vice president becomes available, human resources personnel work with department heads to identify candidates. To better prepare for staffing changes, a slate of candidates is sometimes developed before the position becomes open. Candidates are selected on the basis of their job-specific skills and credentials.

The high potential selection process for high potential employees identifies those who have developed exceptional leadership and management skills, and who support the company's valuing diversity efforts. These individuals work with their managers and human resources staff to identify the experiences they need to advance. With slating, the pool of high potentials is screened to ensure adequate representation of minorities and women.

Chubb & Son, Inc.; Job rotation: High potential women in staff and administrative positions are given the opportunity to rotate into line functions. To prepare for a new position, each candidate currently in a staff position receives training and, in some cases, gains hands-on experience by working for several months in a lower-level line job without taking a pay cut.

Con Edison; Management Intern Program: The Management Intern Program is a comprehensive strategy to recruit, develop, and promote qualified women. Begun in 1981, the program currently recruits approximately 30 college graduates annually on the basis of technical competence, leadership potential, communication skills, and part-time work experience. Interns spend one year in four three-month assignments designed to expose them to a variety of company functions. Visibility is an added program benefit: interns gain exposure to officers and upper management through required presentations and informal forums. At the outset of the program, each intern is assigned a mid-level manager who serves as a mentor. 75% of the 89 female engineers hired since 1981 are still at Con Ed. Women have the highest rate of retention.

Blue Collar Prep Program: The ''Blue Collar Prep'' program aims to prepare women educationally, psychologically, and physically for nontraditional jobs.

E.I. du Pont de Nemours & Company; Job rotation: At Du Pont, most executives move through at least two or three functions before they reach top positions. For example, an employee with technical experience may move from manufacturing to marketing to general management to corporate staff before attaining executive line status. The job rotation process begins with the identification of high-potential employees. Of Du Pont's 20,000 exempt employees with college degrees (15% of whom are women), approximately 2,000 are considered capable of advancing into upper management positions. Asked why job rotation is particularly important for women, a Du Pont representative said, ''Women don't have role models in upper management positions. Job rotation helps them learn firsthand about the skills and knowledge they need for a new position.''

MENTORING

AT&T; Early Career Advisory Program (ECAP): ECAP began in 1976 at the company's Bell Laboratory location in Naperville, Illinois. Originally intended as a mentoring program for all newly hired or promoted minorities and women at the professional engineer level in Bell Laboratories (AT&T's Research and Development division), the program was recently broadened to include associate technical positions. Mentors are managers at either the supervisor, department head, or director level, and must work outside the mentee's department.

Chubb & Son Inc.; Senior Management Sponsorship Program: Implemented in 1990, the program aims to improve the preparation of talented individuals for senior management positions. The program selects employees at the assistant vice president level and above who are excellent performers and demonstrate potential for advancement. While the 30 employees participating in the pilot program in 1990 included women, minorities, and white non-Hispanic men, the majority of those participating were female.

CIGNA: Mentoring Guide: CIGNA developed a guide and let each of its ten operating divisions decide how they wanted to approach the mentoring process. The guide profiles successful mentor relationships, including key behaviors of coaches, mentors, and mentees; on-the-job opportunities for coaching and mentoring; methods to improve coaching and skills; and tips for mentees. The model was also developed to provide a benchmark for best practices and approaches to mentoring and coaching in CIGNA's divisions.

Dow Jones & Company; Mentoring Quads: To promote cultural diversity and enhance developmental and promotional opportunities for minorities and women, the company developed mentoring quads. Each quad is made up of four members who are diverse in terms of position, level, race, gender, and functional area. Program developers felt another advantage of the group approach would be to offer greater learning opportunities to larger numbers of people. The approach also assumes that group dynamics will minimize personality conflicts.

E.I. du Pont de Nemours & Company; Imaging Systems: Du Pont's mentoring program is tied to other initiatives to develop and advance high potential minorities and women. While the company allows mentors and mentees to structure their own relationship, every mentor receives two days of training in which ground rules are set and guidelines are given.

Exxon Research & Engineering; Internship and Mentoring Program: This program for female and minority high school students was implemented to increase the pool of minority and women recruits. By providing students with professional-level mentors, who serve as role models and career counselors, as well as offering ''real'' engineering work experience, Exxon aims to build positive, long-term relationships with students and to foster their interest in becoming permanent employees.

First Interstate Bank of California; Individual Mentoring Program: The Individual Mentoring Program is part of an overall initiative, begun in early 1992, to create and implement programs for the advancement of minorities and women. The overall initiative, The Career Opportunities and Development Program, includes all phases of career development and planning, diversity training, multi-cultural networks, a group mentoring program, and an individual mentoring program. The purpose of the Individual Mentoring Program is to provide high potential selected minorities and women with an opportunity to focus on examining personal expectations, work habits, communications goals and objectives, constructive feedback, and understanding expectations under the guidance of experienced and skilled professionals. Recognition that the bank could strengthen its business by developing employees was the motivation for establishing the initiative. Throughout the next three to five years all of the participants will be tracked as to their career development.

JC Penney Co., Inc.; Mentoring Skills Development Workshop: JC Penney Co., Inc. created its own two-day workshop on managing a diverse workforce. All profit-sharing managers in the company have attended the program. The workshop objectives are to create an awareness of cultural differences, to develop an understanding of how these diverse cultures benefit the workplace environment, and improve communications among an increasingly diverse workforce. Additionally, 120 key senior managers attended a week-long multi-cultural workshop that uses relationships and team-building to reinforce the value of diversity.

New England Telephone—NYNEX; Mentoring circles: Designed to help prevent some of the problems associated with structured mentoring relationships, NYNEX has implemented ''mentoring circles.'' Because mentors and mentees meet in groups of up to 12 people, the sexual tension and rumors that can accompany one-on-one male/female and interracial mentoring are eliminated. Moreover, the circles maximize the use of mentors' time, as the number of individuals qualified to serve as mentors is usually far fewer than the number of employees seeking mentors.

Pitney-Bowes, Inc.; Pairing System: The objectives of the 1989 pilot program were to augment the development process by helping to increase the number of candidates ready to fill managerial positions and to improve the retention of valued employees. The program was also designed to further the company's goal of creating an environment that values diversity by helping to increase the representation of minorities and women management. The current program strives to match mentors and mentees in as many levels as possible by looking at the development needs of associates, the experience of mentors, geographic proximity and/or functional commonality.

ACCOUNTABILITY PROGRAMS

Procter & Gamble; Corporate Mentoring Program: The objective of the program is to ensure that there is an experienced manager to act as ''a trusted counselor, coach, role model, advisor and voice of experience'' to managers with less experience who are expected to advance within the organization. The first priority of the company was to ensure that minorities and women who had been identified as having advancement potential have mentors because of the higher turnover rates among these managers.

Baxter Healthcare Corporation; Affirmative Action Strategy; Balanced Work Force Initiative: The program holds managers individually accountable for recruiting, retaining and promoting minorities and women. Managers are provided with guidelines for developing professional skills and, at year end, are required to complete detailed summaries of their efforts. Managers then submit the forms to corporate headquarters for an in-depth review of their achievements. Baxter then reinforces support for managers' initiatives by tying 20 percent of their discretionary bonus to their ''good faith'' efforts and pursuit of corporate goals. Both the number of female vice presidents and the number of female division presidents have increased substantially since 1988.

Corning Glass Works, Inc.; Quality Improvement Teams: To counteract a trend in attrition, the company assigned senior managers to separate quality improvement teams, one for women's advancement and one for the advancement of African Americans. After an intensive six-month effort, involving surveys and focus groups, the teams made recommendations for improving the workplace. Some of the outcomes include mandatory gender and racial awareness training for managers and professionals, the introduction of career planning systems, and improved communication.

Square D Co.; Diversity Goal Setting: Goals for preparing high potential female employees for management positions (at salaries of $60,000 and above) were developed and presented to senior executive staff. In 1991, it was decided that a minimum of 20 percent of manager's bonuses would be based on their effectiveness in meeting corporate goals to recruit, develop, and promote women.

SUGGESTION PLANNING

Tenneco, Inc.; Executive Incentive Compensation Program: This program links a significant percentage of each executive's bonus to the attainment of defined divisional goals to promote minorities and women. Three-quarters of this percentage relates to these pre-established goals, which are separate for minorities and women and are set by each company according to its individual workforce and location; the remaining one-quarter is for implementing programs directed at developing and advancing targeted groups.

American Airlines; Supertrack: The company is taking a multifaceted approach to retaining, developing, and promoting minorities and women. Supertrack requires officers to submit detailed, cross-functional development plans for all high-potential minorities and women in middle management and above.

Career Development Program (CDP): American's Career Development Program (CDP), a sophisticated, computerized job-posting system, allows employees to signal their interest in positions before vacancies occur. Company-wide posting also helps reduce potential for discrimination or favoritism by providing all employees with instant job information.

Women in Operations Management Advisory Council: To boost women's representation in nontraditional positions, a task force was established: Women in Operations Management Advisory Council. The goals of the group are to identify the barriers for women in nontraditional areas, to educate female employees on the growing opportunities in technical fields and to serve as mentors to female employees.

Hershey Foods; Senior Management Review: The advancement of minorities and women is one of the many goals of the succession planning process. During the company's Senior Management Review, high-growth individuals and potential high-growth individuals are identified as part of the annual meeting of top-level executives. Managers compile profiles of the high-growth individuals. The profiles include performance strengths, weaknesses, and areas that need development, the next planned or anticipated position, and the anticipated position or level in five years. A five-year development plan charts the path from the employee's present position to anticipated position.

Cross Entity Review: Lateral movement or promotions from one division to another are identified to help develop an individual through new experiences. It also serves a business purpose by placing key employees where their expertise is needed.

McCormack & Dodge; Succession Management Resources Review (SMRR): A component of a larger initiative to foster career advancement, SMRR is the process by which all senior managers evaluate those managers who report to them directly and determine their readiness for progression into even more senior positions. Senior managers must also identify the critical skills, training and job experiences that each middle manager must have in order to be promoted to more senior positions. A detailed, individualized development plan is prepared for these individuals and is reviewed by executives on an annual basis. These plans are reinforced through performance evaluation and other goal-setting processes.

Motorola, Inc.; Succession Planning with Clout: To accelerate women's advancement, the company implemented this program in 1986. The program features an ambitious, corporate-wide ''Parity Initiative,'' which requires, by year end 1996, that the representation of minorities and women at every management level mirrors the representation of these groups in the general population. The ''Parity Initiative'' has already produced results: In September 1989 Motorola had two female vice presidents; today it has fourteen. To achieve these goals, the company uses a succession planning process, the ''Organization and Management Development Review,'' which is unique in that it reaches down to the entry and mid-levels of management and holds managers accountable for developing and retaining minorities and women.

WORKFORCE DIVERSITY INITIATIVES

Public Service Electric & Gas Company; Multi-level, company-wide succession planning: Once a year each departmental head completes several succession planning forms: One is an organizational chart on which succession candidates, their readiness dates and their development needs are identified. Another form asks department heads to indicate any human resources issues they're confronting. Finally, department heads rate the performance of each employee on a scale of one to five—one indicating a high potential fast tracker; five indicating unsatisfactory performance. Focus is on the number of minorities and women designated as promotable and on the development opportunities outlined for them.

Avon Products, Inc.; Communication System: This grassroots communication system monitors problems and opportunities related to diversity. Minority network groups exist as forums at which people of color can identify and discuss career-related issues. Officer sponsors provide guidance and mentoring. These networks communicate their concerns to a multi-cultural committee which, in turn, makes recommendations to senior management to effect positive change. On a monthly basis, the Corporate Women and Minorities Committee, founded by a former CEO, checks the company's progress in meetings to ensure access to management for minorities and women.

Managing Diversity: Avon defines managing diversity as ''creating a culture that provides opportunity for all associates to reach their full potential in pursuit of corporate objectives.'' Their conceptualization of diversity encompasses the more obvious differences such as age, gender, race, and culture, as well as the more subtle dimensions such as work style, life style, and physical capacity and characteristics. Managers at every level are responsible for Avon's progress in diversity. In addition, Avon encourages the comprehension and support of diversity by all employees.

General Electric, NY Silicone Manufacturing Division; Grassroots Diversity Initiative: The Silicon Manufacturing Division has increased the number of minorities and women entries to 30 percent. In 1989, an informal network created a grass-roots diversity initiative at the company in response to problems experienced by women and people of color. Specialized characteristics of the initiative include teamwork and diversity training. A review board examined such issues as family leave, flexible hours, personal and professional development, and other programs. Since the implementation of the program, there has been an increase in the number of women in managerial positions including women of color. Mentoring, an important component of the program, was established to provide minorities and women with role models who would give the participants insight into the corporate culture and management systems.

General Foods; Diversity Management Steering Committee: General Foods began its diversity effort by forming a Diversity Management Steering Committee, chaired by the president and including 10 senior executives, to monitor all company activities relating to affirmative action and diversity management. A full-time human resources position dedicated solely to diversity management was established, along with a Workforce 2000 Council to address the issues of the upward mobility of minorities and women, networking, and career/family balance. A huge training effort was then launched for the entire salaried employee population. The goal of the training is to increase awareness of changing workforce demographics, the diversity efforts of competing companies, and the internal cultural barriers that inhibit the productivity of minorities and women.

McDonald's; changing Workforce Programs: Formalized more than a decade ago, the programs are based on a premise of respect for all contributors to the business. Comprising six progressive management development modules, the program has helped ensure that employees of both genders and all cultures can reach their full professional potential. Through the modules, class participants are encouraged to explore personal attitudes and assumptions that can become barriers to their professional growth, or the growth of employees they manage. Training courses offered include: Managing the Changing Workforce (MCW); Women's Career Development (WCD), Black Career Development (BCD); Hispanic Career Development (HCD); Managing Cultural Differences (MCD) and Managing Diversity (MD).

PDQ Personnel Services; Workforce Diversity Initiatives: PDQ has developed ongoing relationships with diverse business groups to generate continuous referrals and to promote the advancement of minorities and women. It has developed outreach to organizations representing minorities and women such as the Latin Business Association, Black Business Association, and the Urban League. These organizations assist PDQ with recruitment outside the company. PDQ has developed non-gender and non-racial interview questions which are uniformly administered to all candidates being considered for management positions.

Procter & Gamble; Corporate Diversity Strategy Task Force: In 1988, the president commissioned this task force, intentionally including line vice presidents, to redefine the importance of a multicultural work force and to identify strategies for managing diversity. In terms of diversity training, the company offers awareness training, symposiums on women and minority issues, and ''onboarding'' programs that help orient new hires with special attention to gender and minority concerns. To foster development and retention, all managers receive regular career assessments in which they and their supervisors identify the skills they need to advance.

Rensselaer Polytechnic Institute; Beyond Diversity Effort: The Institute views itself as a microcosm of the broad society: they have developed initiatives that cut across the entire university community in order to adequately prepare students for the work force. The program was established as part of the Institute's recent strategic planning progress. It offers both students and faculty

opportunities to learn and participate in different cultures and lifestyles through lectures, concerts, travel, workshops, and task forces.

US WEST; Pluralism Performance Menu (PPM): Pluralism Performance Menu, initiated in October 1990, is a measurement device for tracking the performance of the company's officers on their quantitative and qualitative efforts to develop and advance minorities and women. The PPM lists criteria for measuring officers' efforts. Every six months, officers submit a completed menu to corporate headquarters where the data are analyzed. Each officer is provided with feedback and suggestions for improvement. The short-term goal of the PPM was to boost the company's recruitment, development, and advancement of minorities and women. The PPM is designed to raise the company's commitment to diversity to a new plane so that, in the long run, promoting diversity will become second nature to all employees.

US WEST; Women of Color Project: See US West: Leadership and Career Development.

Workshop: White Maleism and the Corporate Culture: The goal of this workshop is to improve the communication between men and women and to help men avoid seeing women in the workplace as a threat, and instead as ''an opportunity for greater economic prosperity and increased personal enrichment.''

Xerox Corporation; Asset Management Program: This program was started in 1983 to foster mobility of women of color within the company's Development and Manufacturing Organization. The program combines formal training and on-the-job experience. It is intended to provide exposure to and understanding of the manufacturing operation through intensive on-the-job experiences under the direction of the plant manager. The plant manager also serves as mentor to the candidate to ensure that the program's objectives are fulfilled through each developmental phase.

WORKFORCE DIVERSITY INITIATIVES
CORPORATE WOMEN'S GROUPS/NETWORKS

Avon Products, Inc.; Avon Multicultural Committee: Avon has three strong groups: the Avon Asian Network, the Avon Hispanic Network, and the Black Professional Association (BPA). These groups originated in the 1970's as the Concerned Women of Avon, which then became the Women and Minorities Committee. In the mid-1980s committee members branched out and began networks and to address their specific needs. Management developed an organized system through which networks and committees feed into each other to ensure a consistent flow of information and communication. In order to be credible, the group has made sure that its objectives are consistent with the company's goals. The committee is structured to help Avon implement its business strategy of becoming a multicultural workplace. The group has developed an operational structure with officers and regular meetings that follow the accepted business protocol at Avon. In addition, the committee tries to be open about its intentions and to communicate clearly and consistently.

Case Western Reserve University; Salary Equity Committee: Established in 1992, this committee reviewed the salary distribution of all university faculty and its findings have been shared with the entire University community. This kind of open review will be done annually. An external consultant annually reviews the staff salary plan to ensure equity. Every performance appraisal carries two levels of review within its division and a review by a compensation section of the Human Resources Office for equity, appropriateness, and consistency.

Hoffmann-LaRoche; Concerned Women of Roche (CWR): Founded in 1972, CWR is one of the older corporate women's groups in the country. The 400-member group seeks to encourage women to develop their abilities to the fullest potential; it actively supports the company's Equal Employment Opportunity/Affirmative Action program and champions Hoffmann-LaRoche's policies on behalf of women's advancement and work/family balance. The group is recognized as a viable corporate entity with full support of management. Recognizing the growing need for child care, CWR championed the concept of an on-site center. After conducting a feasibility study and assessing employee child care needs, the Hoffmann-La Roche Child Care Center sponsored a child care center in 1979. It was established in New Jersey and was one of the first in the country. Also, at the request of management, CWR had input into the company's maternity leave and sexual harassment policies. CWR also spearheads the company's mentoring program (which was recently expanded to include bilingual mentors), offers career counseling and skills workshops four times a year, and provides a wide range of programs for employees and their families. Hoffmann-La Roche funds these programs and other CWR activities.

Honeywell, Inc.; Women's Council: Formed in 1978, the group has approximately 35 members who represent a wide range of job functions, levels, and organizational units. They exemplify the diverse workforce in terms of age, race, and family status. Initially, the group was chartered to contribute to a working environment that would attract and retain quality female employees and encourage personal growth of all employees. Its goals were to identify, study, and make recommendations on issues of concern to Honeywell women and support women who sought career mobility.

After gaining management support, the Council moved beyond its original emphasis on programming to providing recognized policy input. Without abandoning its original broad agenda, the group now focuses on identifying and studying issues of concern to Honeywell women and barriers to their upward mobility, and makes recommendations about how both management and employees can work to remove these barriers. The Council comprises employees from both the professional and administrative ranks.

WORKFORCE DIVERSITY INITIATIVES GENDER/
RACIAL AWARENESS TRAINING

Arthur Andersen & Co.; Men and Women as Colleagues: This gender awareness training program was introduced in May 1990 at the accounting firm's Dallas office. It aims to enhance interpersonal communication between male and female employees, legitimize discussion of workplace gender issues, increase understanding of the business benefits of creating a supportive environment for women, and help Andersen attract and retain female employees. Based on the success of the Dallas office pilot, the program has been endorsed by Andersen's national human resources office and is now being conducted at multiple locations throughout the country.

E.I. du Pont de Nemours & Company; Personal Safety: The company has chosen to address in a business context the growing social problem of personal violence, including rape, wife/spouse battering, and child and elder abuse. Senior management recognizes that employees'concerns about safety, both on and off the job, can prevent them from fully reaching their potential. Du Pont's program contributes to a supportive work environment and improved productivity by helping employees address previously ignored areas of mental stress and by opening the lines of communication between men and women.

Core Groups: These specialized workshops were implemented in 1988 to sensitize white, upper-level managers to gender and racial issues. Comprising 12 to 18 employees (five of whom are white male managers, and the remaining minorities and women), core groups meet with an outside facilitator for eight hours a month, on company time if they choose. Senior vice presidents are encouraged to form core groups within their own departments, and members either self-select or are invited to participate. While the groups have a life of their own, they typically last about a year. Occasionally members of the group will continue to meet on an ad hoc basis once the group has disbanded.

Hughes Aircraft; Gender/Racial Awareness Training: Hughes has implemented a series of ''Managing a Diverse Workforce'' training programs for management/supervisors, as well as career development seminars for minorities and women. Hughes also has a variety of management and professional development programs, including the Chairman's Executive Leadership Program, Line Managers Development Course, Contract Managers Course, and the Management Action Workshop for new supervisors and middle managers. All of these programs are monitored on a regular basis to determine the enrollment patterns of minorities and women.

JC Penney Co., Inc.; Diversity Awareness Workshops Skills Development Workshops: JC Penney Co., Inc. created its own two-day workshop on managing a diverse workforce. All profit-sharing managers in the company have attended the program. The workshop objectives are to create an awareness of cultural differences, to develop an understanding of how these diverse cultures benefit the workplace environment, and improve communications between an increasingly diverse workforce. Additionally, 120 key senior managers attended a week-long multi-cultural workshop that uses relationship and team-building to reinforce the value of diversity.

3M; The Women's Advisory Committee: The 3M Women's Advisory Committee's mission is ''to influence and effect change in 3M to assure that all employees can participate and contribute equally.'' The statement emphasizes change and focuses attention on promoting women's career and leadership development through identification of issues, communication to 3M about women's concerns, and recommendation of specific action plans. The committee provides direct advice to senior management committees regarding policies that impact 3M women. The committee has contributed to the implementation of a number of significant programs including: supervisory and management development programs, internal communications on diversity in the workforce, an improved performance appraisal system, employee initiated part-time employment, and internal personnel search required for all job openings.

MCA, Inc.; Gender/racial Awareness Training: A Diversity Awareness Program, first targeting senior executives and then all management staff, enhances and sustains a work environment that is responsive to the changing demographics of MCA's workforce, eliminates any attitudinal barriers that hinder the hiring and promotion of people of diverse backgrounds, and reaffirms the company's commitment to considering candidates from diverse backgrounds for all jobs. More than 300 management personnel have attended. A Diversity Forum has been established to address diversity issues that emerge on a day-to-day basis.

North Broward Hospital District; Bridges: This voluntary management training program helps develop the skills needed to manage a diverse workforce through a 32-hour series of workshops involving role playing and interactive conversations. The eight training modules focus on intercultural perceptions, gender stereotypes, subtle racial sterotypes, ethnic identify, organizational culture, intercultural conflict, and communications barriers. Ninety-four percent of those participating in the program found it excellent or very good.

Pitney-Bowes, Inc.; Minorities Resource Group/Women's Resource Group: The two groups play significant roles in enriching the company's equal opportunity environment. The groups work with both senior management and human resources personnel to provide input into programs and new initiatives such as candidate slating, job posting, development of management training programs, the mentor program, recruiting and hiring practices, and enhancing upward mobility for all employees in the company.

Port Authority of New York and New Jersey; Women's Equity (WE): WE was organized by a small of management women to reduce their sense of isolation and to promote women's upward mobility. By 1984, women were well represented in junior and mid-management jobs; subsequently, WE began to recognize the importance of women's voice in the workplace and to lobby the agency's leaders about women's concerns. Issues of primary interest included flextime, parental leave, child care, and the availability of promotion opportunities for all women. Opening up membership into the women's organization at all levels was a logical step because the group's steering committee believed they would gain greater clout when voicing concerns to management by representing more women in the agency. To recruit new members, WE planned programs to involve women at all levels, such as a workshop on juggling work and family obligations, a display on women's historical contributions to the Port Authority, and health seminars. To ensure the relevance and usefulness of the programs to all members, Women's Equity also sought nonmanagement women's involvement on the steering committee and on each of its five subcommittees. The group then planned a special workshop cosponsored by Asian, African American, and Hispanic groups to help recruit women for nontraditional jobs such as the construction trades.

Raychem Corporation; Women's Network: The Network was developed in early 1991 to address women's isolation in the corporation's heavily male-dominated culture. The Women's Network issues a newsletter to more than 200 female and male employees. The Network is drafting its formal charter, organizing focus groups with female employees and top management, and launching a formal study to determine whether there are barriers to career development at Raychem. A positive and constructive approach and its practice of communicating with management regularly and openly are attributes that led to the group's success.

Ryder Systems, Inc.; Women's Management Association: Founded in 1982, the Women's Management Association defines itself as a ''business association.'' Its objectives include helping women to become more effective in their jobs, apprising senior management of women's concerns and recommending practical solutions, and improving the knowledge of members of Ryder's businesses and customers. A unique aspect of the group and a key to its success is the involvement of senior management. The group is guided by a Governing board, comprised of 10 senior-level female managers, and an Executive Adivsory Committee, comprised of four of the chairman's direct reports and human resources executives. Throughout the year, the group sponsors special events featuring nationally recognized business leaders, and frequently asks Ryder's corporate and division officers to formally speak to members about company growth and business plans. Having the group's objectives aligned with corporate objectives and the involvement of senior management have been critical to its success.

Tenneco, Inc.; Women's Advisory Council: The council was established in January 1988 by then Chairman James L. Ketelsen to help increase the number of women in leadership positions. Since then, the group has worked with management and corporate human resources officers to achieve its goals. Approximately 20 executive and management women from all company divisions are part of the Council, which also has a non-member senior executive liaison. The council receives its operating budget from the company and uses company personnel, facilities and communications services. Members of the Women's Advisory Council helped corporate human resources officers facilitate company-wide adoption of ''Workforce 2000 Initiatives,'' a training program for addressing workforce diversity issues. The group also assisted corporate human resources officers in developing the ''Work/Family Support Program,'' which offers a range of work and family benefits, including a six-month, unpaid family care leave. The number of women in senior management has grown significantly since the Council was established.

Texas Instruments; Corporate Services Women's Initiative: The Initiative is a management-supported group of approximately 50 female engineers, managers, and technical employees in the company's Corporate Services division. Founded as a grassroots effort by two women in 1990, the stated charter of the group is to champion the full participation of Corporate Services women at all levels and aspects of the business by promoting their professional and personal goals. The Women's Initiative helps top management understand and resolve issues that will enable the company to better recruit and retain women. Using the Corporate Services Women's Initiative as a model, five additional women's networks have formed in other company divisions.

WORKFORCE DIVERSITY INITIATIVES
ELIMINATION OF SEXUAL HARASSMENT

Apple Computer; Sexual Harassment Policy: The policy was instituted in February 1991 as part of an overall effort to bring more structure to a relatively liberal environment. When confronted with sexual harassment situations, the company is not reluctant to take action, offenders are terminated when appropriate. The policy has three components: a statement defining and prohibiting sexual harassment, a section outlining managers' responsibility, and a section describing the process of filing and resolving grievances.

AT&T; Policy Training manual: A company-wide sexual harassment policy was implemented in the early 1980's as a step toward ensuring a nondiscriminatory workplace. The employee manual, ''Dealing With Sexual Harassment, a Guide for Employees,'' conveys the nature and implications of sexual harassment by illustrating real-life examples of improper behavior, and consequences for harassers. The ''New Focus on Sexual Harassment'' workshop sensitizes supervisors and employees to the nuances of sexual harassment through videotapes, case studies, and role playing.

E.I. du Pont de Nemours & Company; A Matter of Respect: In 1987, the company developed this four-hour workshop to help create a responsible and respectful environment free of sexual harassment and discrimination. The workshop uses a videotape of real-life examples of sexual harassment, including the more subtle forms, the offensiveness of which men are often unaware. After an employee discussion of their perceptions of sexual harassment, the facilitators define the legal parameters and implications of sexual harassment. Another video shows the company's chief executive officer expressing his disapproval of sexual harassment. The final segment outlines the resources available to employers and the actions they can take.

FAMILY FRIENDLY PROGRAMS

Eastman Kodak Company; Work and Family Program: A task force was appointed in November 1986 to examine work and family issues. The task force reviewed the programs of 33 work-and-family-supportive companies, surveyed 2,000 Kodak employees and consulted with work and family specialists. The result was a comprehensive work and family program which includes up to 17 weeks of unpaid, job-protected family leave, child care resource and referral service, and corporate funding for start-up cost for day-care homes in Kodak communities.

Parental Leave: A surprisingly high number of men have taken advantage of a generous family leave policy without stigma and without derailing their careers. Also unusual is the length of leave the men have taken to care for their infants: an average of 12.2 weeks, which is just a week less than the average leave for mothers. Full health coverage continues during leave, and employees are assured of returning to the same or comparable job.

Fel-Pro Inc.; Family Friendly Programs: Fel-Pro increased its financial aid for adoption from $2,500 to $5,000 and increased its tuition refund benefits from $2,500 to $3,000 for undergraduate studies and from $5,000 to $6,500 for graduate studies. Tuition reimbursement has been extended to part-time employees, who are mostly female.

John Hancock Financial Services; Family Care Issues: The company designed its innovative Family Care Issues to help recruit and retain top talent. The company has instituted a program that includes such benefits as a one-year unpaid leave of absence and an on-site child care center. But the company has gone beyond traditional work and family programs: a Summer Care Fair offers employees and the public information about summer camps and programs in New England and a ''Kids-to-go'' program works with local day care centers to provide activities for the school-aged children of employees during school holidays and vacations.

Johnson & Johnson; Balancing Work and Family Program: The program includes the following components: Child Care Resource and Referral; On-site Child Development Centers; Dependent Care Assistance Plans; Family Care Leave; Family Care Absence; Flexible Work Schedules; Adoption Benefits; SchoolMatch; Elder Care Resource and Referral; Relocation Planning; and Employed Spouse Relocation Services. These initiatives were designed in large part to address the changing composition of their work force—the increasing numbers of women, two-career families, single parents, and the children of elderly parents. The company conducted a survey that showed that between 1990 and 1992, supervisors became significantly more supportive of employees when work/family problems arose and supervisors were also seen as more supportive of the use of flexible time and leave policies. There was, however, no impact on absenteeism or tardiness.

Marquette Electronics; On-Site Daycare, Flexible Work Schedules: Marquette has two on-site centers serving 175 children. Workers can adjust their schedules daily, if necessary, to meet family needs.

NationsBank; Shared Parenting: The bank is one of the first, if not the only company to offer fathers paid time off to care for their newborn children. The policy is based on the company's belief that parenting is a shared responsibility. New fathers receive up to six weeks of paid paternity leave: for each year of service they accrue one week of leave.

SC Johnson Wax; Child care/parental leave: One of the company's foremost work and family benefits is its on-site child care program, established in 1985. The child care program provides before- and after-school care, transportation to and from school, a kindergarten program and parent training for employees. The center has been accredited by the National Association for the Education of Young Children. During the summer, the company offers full-time day care for school-age children of employees. The parental leave policy allows up to three months of unpaid leave for both male and female employees. This is in addition to the paid medical leave for the mother. The option to work part-time following parental leave is also available.

Pacific Gas and Electric; Adoption Reimbursement Program: The Adoption Reimbursement Program reimburses employees for 100 percent of their covered expenses—up to a maximum of $2,000. The adoption of stepchildren is covered and adopted children can be any age up to 18. There are no limits on the number of adoptions per employee that can qualify for reimbursement. Covered expenses include legal, court, adoption agency and placement fees, medical expenses, and transportation expenses, and transportation expenses with picking up the child.

JC Penny Co., Inc.; On-Site Child Care: A child care center in the home office building is available to all JC Penny Co., Inc. employees. The 10,000-square-foot facility can accommodate 157 children from 6 weeks to 5 years of age at an average cost of $100 per week.

Tandem Computer, Inc.; Model Maternity Leave: Tandem has offered a nine-week unpaid parental leave for over 10 years. A full-time disability leave manager helps expectant parents obtain and process the necessary medical and insurance forms, and an on-staff nurse is available to check on the health of pregnant employees. Tandem also recognizes infertility by covering up to three in-vitro fertilization treatments as well as expenses for surrogate mothers.

US Sprint; FamilyCare Program: To generate awareness and build broad-based support. Sprint appointed 150 employees from a range of company divisions to 11 career and family action teams. The teams developed the blueprint of the FamilyCare program. Announced in July 1989, FamilyCare provides flexible work schedules, a dependent-care resource and referral service, adoption assistance, personal and family counseling, working partner relocation assistance, and flexible health-care benefits.

Arthur Andersen & Co.; Flexible Work Program: The program allows female or male managers to return to work on a part-time basis for up to three years following the birth or adoption of a child, while maintaining the benefits of a full-time employee. Andersen clearly communicates that managers who work part-time at some point in their careers will remain eligible for partnership; flexible work arrangements will lengthen an employee's progression toward partnership, not derail it.

Corning Glass Works, Inc.; Alternative Job Schedules: Corning's policy states that "alternative job schedules are privileges—not rights." An employee must have a good performance rating and the position must lend itself to a nontraditional schedule. Options include part-time, flextime, job sharing, and work at home.

Eastman Kodak Company; Professional Flexible Work (Arrangements (FWAs): Flexible work arrangements, including those at the managerial level, have been available on an ad hoc basis since the early 1980s. In November 1988 a formal policy was introduced in which part-time, job sharing, and flextime are available to all employees.

North Carolina National Bank; Alternative Work Schedules: In 1987 the bank began offering employees on parental leave the opportunity to rejoin the workforce at their own pace during a six-month leave period. Employees arrange their schedules with their managers, receive full benefits and a prorated salary, and return to the same or comparable position. The bank also offers Select Time, a part-time program instituted in 1988. Although Select Time has been used mostly by officers and managers, it is available to any employee who has worked at NCNB at least a year and performs at a level rated "satisfactory" or above.

Pacific Bell; Telecommuting: Pacific Bell has been researching the business costs and payoffs of telecommuting since the inception of its pilot telecommuting program in May 1985. The company defines telecommuting as working from a site other than the office using telecommunications technology.

FAMILY FRIENDLY PROGRAMS FLEXIBLE WORK ARRANGEMENTS

The San Francisco Bar Association; Model Alternative Work Schedule Policy: The policy, drafted by the association's Committee on Equality, outlines four options that it says firms should make available to lawyers: (1) flextime; (2) part-time; (3) job sharing; and (4) flexiplace. The model policy is compatible with the American Bar Association, the Oregon State Bar Association and the policy put forth by the Minnesota Women Lawyers. The four models agree that: Alternative work schedules should be available to both men and women; Compensation should be calculated on a pro rata basis, with full or pro rata benefits; There should be periodic review of alternative work schedule arrangements; There should be uninhibited promotion and advancement for part-time attorneys, but those attorneys have a responsibility to keep regular hours and to be available even when not in the office.

Sidley & Austin; Part-time Work Policy: The law firm, located in Chicago, introduced a part-time work policy in 1987. Part-time, normally 60 to 80 percent of a full-time work load, is not restricted to dependent-care needs. Most often it is new mothers who take advantage of the policy, which entitles them to take up to an eight-month, full-time parental leave. After this leave ends, the firm permits the associate to work part-time for up to six months. If the arrangement does not jeopardize the needs of the practice, an employee can request to work part-time indefinitely.

Skadden, Arps, Slate, Meagher & Flom; Part-time policy: In 1981, the law firm adopted a policy allowing attorneys with two years of experience at the firm to work part-time. In 1984, the option was expanded to include new recruits. The policy has no restrictions in terms of duration. While part-time attorneys are not on the partnership track, they can pursue partnership once they return to full-time status.

Steelcase, Inc.; Professional Job Sharing: After offering job-sharing for 6 years to non-exempt salaried employees, the company extended the option to its entire work force in 1988. Management encourages employees and their supervisors to customize job sharing arrangements. The most common arrangement features a weekly schedule divided between the partners. Job sharers receive half of their medical, dental, and life insurance benefits, but can purchase a full package at the company's group rate. Vacation and sick days are prorated, and annual merit raises and promotion opportunities are preserved.

Tucson Medical Center; Alternative Scheduling: The 15-member Nursing Recruitment and Retention Committee works with senior administration and the governing board to identify projects and programs that help prevent or reduce the effects of the nursing shortage. Staffing and scheduling are known to be areas of dissatisfaction for nurses and may cause a nurse to leave an institution. Tucson Medical Center has the traditional eight-hour shift, and also ten-hour, twelve hour, split, and other nontraditional shifts. In many cases, through a process of self-scheduling, the nurses put these shifts together to provide 24-hour coverage. This departure from traditional scheduling by the management team allows staff nurses to develop their own work calendar within some pre-established parameters.

Aetna Life & Casualty; Family Benefits: A Family Leave Policy was implemented in June 1988. The policy grants employees, both male and female, up to six months of unpaid leave following the birth or adoption of a child or to deal with a serious illness of a parent, spouse, or child.

Corning Glass Works, Inc.; Policy: The parential leave policy provides six weeks of disability leave for maternity, including full benefits, followed by an optional 20 weeks of child care leave for new fathers as well as mothers, including adoptive parents, and an optional part-time return. At the end of parental leave or at any other point an employee needs more time for family care responsibilities, he or she may elect to work flexible hours, arrange a job sharing situation or work at home. The program allows employees temporary part-time work assignments when they need to devote extra time to caring for children or other dependent relatives.

IBM; Policy: In October 1988, IBM extended its unpaid personal leave of absence from 1 to 3 years to help employees balance career and family responsibilities. Employees taking leaves of one year or less are guaranteed their same or a comparable job upon return; workers who take longer leaves are assured of a job but not necessarily at the same salary or level.

Proskauer, Rose, Goetz & Mendelsohn; Family Benefits for Men: In March 1989, this law firm adopted a policy granting three-month paid parental leaves for male and female associates. The policy dictates that "eligibility for partnership consideration shall not be affected in any way by the fact that an associate has been on child care leave, although the timing of such consideration may be affected if the leave or leaves are for extended periods." To qualify for the paternity leave, new fathers must be the primary caregiver in the family and must have been employed by the firm for at least a year.

Allstate Insurance Company, American Express Company, Amoco Corporation, IBM, Johnson & Johnson, Motorola, Inc., The Travelers, Xerox Corporation, and Work/Family Directions; The American Business Collaboration for Quality Dependent Care: The program is championed by Allstate Insurance Company, American Express Company, Amoco Corporation, IBM Corporation, Johnson & Johnson, Motorola, Inc., The Travelers, Xerox Corporation, and Work/

Family Directions. The collaboration is an effort by 109 companies and 28 public and private organizations to ease the work/family conflicts of their employees. This unique effort aims to increase the supply and enhance the quality of dependent care services for their employees and the communities in which they live and work. The Collaboration has invested more than $25 million in 300 dependent care programs in 44 communities.

American Express Company, J.P. Morgan, and Philip Morris; Partnership for Eldercare: In collaboration with the New York City Department for the Aging, the program was developed to assist employees with elder-care support. The companies fund the program, and in turn, they choose Department of Aging services that best fit their needs and corporate cultures. Among them are on-site seminars for employees on such topics as legal and financial planning and nursing home placement, individual consultation to assess the elder-care needs of employees and to refer employees to appropriate resources, an elder-care counseling ''hot-line,'' and technical assistance for human resources professionals in designing and communicating elder-care benefits packages. Representatives from sponsoring companies meet on a regular basis to discuss the status, strategies, and goals of the partnership.

Champion International Corporation; On-site child care center: Based on an employee survey indicating child care as a major concern, and strong support from its Chief Executive Officer, the company opened an on-site child care center in 1988. The 4,900-square-foot center, housed in an office building adjacent to corporate headquarters, was imaginatively designed by an architect with experience in child care center planning. Each age group has a separate room, and a complex security system ensures safety and proper visitor identification. While the center is open to the community, children and grandchildren of Champion employees are given preference. Currently, the center provides care for 60 children aged three months to five years, and a waiting list exists. In keeping with Champion's commitment to accessible, high-quality care, the center is accredited by the National Association for the Education of Young Children.

IBM; Elder Care Referral Service (ECRS): IBM introduced its Elder Care Referral Service in February 1988 to ease the caregiving responsibilities of its U.S. employees, retirees, and their spouses. Through a nationwide network of 200 community-based organizations, ECRS provides personalized telephone consultation, which educates employees on elder care issues and refers them to services or care providers in the area in which their dependent relative resides. IBM offers the referral service on a prepaid contractual basis, while the employee or older relative selects and pays for the actual care provided.

Stride Rite Corporation; On-site intergenerational center: Opened in March 1990, the center was the first of its kind to be sponsored by an American company. To assist with the center, Stride Rite has enlisted the help of Wheelock College, a Boston-based school that specializes in child care and family studies, and Somerville-Cambridge Elder Services, a local nonprofit agency that provides assistance to the elderly. At full capacity, the center accommodates 55 children (ranging in age from 15 months to 6 years), and 24 adults age 60 and over. To foster the relationship between children and elders, the center sponsors such activities as reading and writing stories, playing games, celebrating holidays, cooking and arts and crafts. It is open to employees as well as to members of the community, some of whom receive state-subsidized membership. There is a sliding-scale fee structure based upon family income.

Ms. MOSELEY-BRAUN. I thank the Chair for his patience and thank the Chair for staying awake and for his indulgence.

RECESS UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 11:12 p.m, recessed until Friday, March 31, 1995, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 30, 1995:

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

CATHERINE BAKER STETSON, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR THE REMAINDER OF THE TERM EXPIRING MAY 19, 2000, VICE LA DONNA HARRIS, RESIGNED.

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

CHARLES E. DOMINY, 000–00–0000
KENNETH R. WYKLE, 000–00–0000

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADES INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICERS IDENTIFIED WITH AN ASTERISK ARE ALSO BEING NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY.

MEDICAL CORPS

To be lieutenant colonel

*RUSSELL R. MOORES, JR., 000–00–0000
KENNETH G. PHILLIPS, 000–00–0000
*JON A. PROCTOR, 000–00–0000

To be major

CLYDE L. JOHNSON, 000–00–0000
ROY D. WELKER, 000–00–0000

MEDICAL SERVICE CORPS

To be lieutenant colonel

MICHAEL J. SMITH, 000–00–0000

IN THE AIR FORCE

THE FOLLOWING MIDSHIPMEN, U.S. NAVAL ACADEMY, FOR APPOINTMENT AS SECOND LIEUTENANT IN THE REGULAR AIR FORCE, UNDER THE PROVISIONS OF SECTIONS 531 AND 541, TITLE 10, UNITED STATES CODE, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE

REGULAR AIR FORCE

To be second lieutenant

ROBERT D. CURRY, 000–00–0000
DARIN A. HUNTER, 000–00–0000
AMY E. HUTCHISON, 000–00–0000
STEPHEN T. JORDAN, 000–00–0000
PAUL S. REHOME, 000–00–0000
WARD Y. TOM, 000–00–0000

IN THE NAVY

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDIAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531.

MEDICAL CORPS

To be lieutenant

VANITA AHVJA, 000–00–0000
CHAD M. BAASEN, 000–00–0000
JOSEPH P. BARRION, 000–00–0000
FRANK M. BISHOP, 000–00–0000
JEFFREY W. BITTERMAN, 000–00–0000
JOHN F. BOGARD, 000–00–0000
LISA M. CARTWRIGHT, 000–00–0000
ALEXANDER B. CHAO, 000–00–0000
MICHAEL E. COMPEGGIE, 000–00–0000
JOHN A. CRADDOCK, 000–00–0000
MARGARET T. DUPREE, 000–00–0000
STEPHEN L. FERRARA, 000–00–0000
MARC H. FOGELSON, 000–00–0000
JERRY R. FOLTZ, 000–00–0000
QUENTIN J. FRANKLIN, 000–00–0000
MICHAEL B. GAVRON, 000–00–0000
JAMES L. HANCOCK, 000–00–0000
JAMES M. HARRIS, 000–00–0000
KURT H. HILDEBRANDT, 000–00–0000
KIMBERLEY L. JAMES, 000–00–0000
REX A. KITELEY, 000–00–0000
SUSAN M. KRIZEK, 000–00–0000
WILLIAM D. LEONARD, 000–00–0000
GREGORY S. LEPKOWSKI, 000–00–0000
KRISTEN S. OVERSTREET, 000–00–0000
ERIC L. PAGENKOPF, 000–00–0000
PIERRE A. PELLETIER, 000–00–0000
ELIZABETH PETROCIK, 000–00–0000
DAVID P. REGIS, 000–00–0000
DOUGLAS J. ROWLES, 000–00–0000
ERIC S. SAWYERS, 000–00–0000
COLETTE K. SCHEURER, 000–00–0000
MARK M. SCHEURER, 000–00–0000
GARRY H. SIMON, 000–00–0000
GORY R. SPURLING, 000–00–0000
ALEXANDER E. STEWART, 000–00–0000
JOSEPH G. THOMAS, 000–00–0000
JAMES F. VERREES, 000–00–0000
PETER WECHGELAER, 000–00–0000
JEFFREY S. WEISS, 000–00–0000
PERRY N. WILLETTE, 000–00–0000

THE FOLLOWING–NAMED NAVAL ACADEMY GRADUATES TO BE APPOINTED PERMANENT ENSIGNS IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

NAVAL ACADEMY GRADUATES

To be ensigns

CHARLES S. ABBOT, 000–00–0000
DOUGLAS W. ABERNATHY, 000–00–0000
RAFAEL A. ACEVEDO, 000–00–0000
PAUL V. ACQUAVELLA, 000–00–0000
SOWON S. AHN, 000–00–0000
CHRISTOPHER F. AKINS, 000–00–0000
RAYMOND J. ALBARADO II, 000–00–0000
REBECCA D. ALLEN, 000–00–0000
ALESSANDRO V. ALVEARIO, 000–00–0000
RAFFAELE G. AMENDOLA, 000–00–0000
BRIAN P. ANDERSON, 000–00–0000
JEFFERY G. ANDERSON, 000–00–0000
JENNIFER L. ANDERSON, 000–00–0000
JON M. ANDERSON, 000–00–0000
THEODORE J. ANDREWS, 000–00–0000
TRACIE L. ANDRUSIAK, 000–00–0000
AOLE F. ANSARI, 000–00–0000
CAROL P. ARGAO, 000–00–0000
MATTHEW J. ARMAS, 000–00–0000
MICHAEL D. ARMIJO, 000–00–0000
DERICK S. ARMSTRONG, 000–00–0000
MICHAEL S. ARNOLD, 000–00–0000
BRAD L. ARTERY, 000–00–0000
LAURIE E. ATHERHOLT, 000–00–0000
BARRY H. AUSTIN, 000–00–0000
COREY M. AVENS, 000–00–0000
JAMES A. AVERA, 000–00–0000
MARC X. BACA, 000–00–0000
CHRISTOPHER G. BAILEY, 000–00–0000
JACOB A. BAILEYDAYSTAR, 000–00–0000
BRIAN G. BAKER, 000–00–0000
ERIK R. BAKER, 000–00–0000
MICHAEL L. BAKER, 000–00–0000
ROBERT C. BANDY, 000–00–0000
AMY R. BARANSKI, 000–00–0000
BRENDON M. BARBER, JR., 000–00–0000
SEAN L. BARTLETT, 000–00–0000
RAQUEL BARTON, 000–00–0000
DAVID H. BASSETT, 000–00–0000
JAMES S. BATES III, 000–00–0000
BRIAN E. BEAUDOIN, 000–00–0000
ROSALIE E. BECSEY, 000–00–0000
RYAN J. BEDNER, 000–00–0000
CLAYBORNE H. BEERS, 000–00–0000
STEVEN J. BELLACK, 000–00–0000
ALEXANDRA L. BENNETT, 000–00–0000
MICHELE BENNETT, 000–00–0000
MATTHEW L. BERAN, 000–00–0000
JULIE A. BERGESS, 000–00–0000
JOEL P. BERNARD, 000–00–0000
CHRISTOPHER A. BERONIO, 000–00–0000
CHARLES H. BERTRAND, 000–00–0000
TIMOTHY C. BERZINS, 000–00–0000
MARCUS J. BESLIN, 000–00–0000
BRIAN K. BIRD, 000–00–0000
HAROLD D. BLACKMON, JR, 000–00–0000
PETER M. BLAKE, 000–00–0000
BASIL A. BLASTOS, 000–00–0000
CHARLES T. BLOCKSIDGE, 000–00–0000
JEFFERY L. BOAZ, 000–00–0000
STEPHEN L. BOCANEGRA, 000–00–0000
LAURA H. BOLLOCK, 000–00–0000
MICHAEL S. BONNETT, 000–00–0000
MOLLY J. BORON, 000–00–0000
DAVID M. BOXMEYER, 000–00–0000
MICHAEL A. BRADY, 000–00–0000
JASON K. BRANDT, 000–00–0000
FRANK E. BRANDON, 000–00–0000
JOHN A. BRATTAIN, 000–00–0000
RICHARD L. BREWSTER, 000–00–0000
REUBEN E. BRIGETY, II, 000–00–0000
STEPHEN G. BROOKS, 000–00–0000
PATRICK J. BROPHY, 000–00–0000
TIMOTHY M. BROSNAN, 000–00–0000
ARTHUR K. BROWN, 000–00–0000
BRADY A. BROWN, 000–00–0000
JAMES S. BROWN, 000–00–0000
RYAN N. BRUINGTON, 000–00–0000
NICOLAS J. BRUNO, 000–00–0000

ALETHEA A. BRYAN, 000–00–0000
WILLIAM H. BUCEY III, 000–00–0000
TRISHA R. BUCHINGER, 000–00–0000
TIMOTHY B. BULLER, 000–00–0000
ROBERT M. BULLOCK, 000–00–0000
COREY A. BURCHILL, 000–00–0000
DAVID E. BURKE, 000–00–0000
JASON O. BURKHOLDER, 000–00–0000
KEITH D. BURNEY, 000–00–0000
NATHAN D. BURNS, 000–00–0000
WILLIAM A. BURNS, 000–00–0000
HAROLD W. BUSBY, 000–00–0000
BRADLEY W. BUSCH, 000–00–0000
JAMES L. BUTLER, JR, 000–00–0000
CLAY P. CALLAHAM, 000–00–0000
JEFFREY M. CALLERY, 000–00–0000
JONATHAN D. CALVERT, 000–00–0000
ERROL A. CAMPBELL, JR, 000–00–0000
GARRETT I. CAMPBELL, 000–00–0000
JOHN E. CAMPBELL, JR, 000–00–0000
CHRISTOPHER H. CANALES, 000–00–0000
KELLY M. CANTLEY, 000–00–0000
SCOTT W. CARGILL, 000–00–0000
MIKA K. CARLON, 000–00–0000
ANDREW F. CARLSON, 000–00–0000
SCOTT M. CARMODY, 000–00–0000
ARTHUR D. CASTILLO, JR, 000–00–0000
MAX K. CASTO, 000–00–0000
ANDREW M. CAWLFIELD, 000–00–0000
TAMARA L. CHASE, 000–00–0000
AMANDA B. CHASTEEN, 000–00–0000
ALEX M. CHEHANSKY, 000–00–0000
MICHAEL C. CHESTERMAN, 000–00–0000
RYAN T. CHRISTOPHER, 000–00–0000
CHRISTOPHER L. CHURCHILL, 000–00–0000
DAVID A. CISNEROS, 000–00–0000
ALLISON A. CLARK, 000–00–0000
BRIAN J. CLARK, 000–00–0000
MICHAEL W. CLAYTON, 000–00–0000
ELLIOTT I. CLEMENCE IV, 000–00–0000
JOSE–ANTONIO COBOS, 000–00–0000
BRIAN J. COCHRAN, 000–00–0000
RICHARD T. COCHRANE, 000–00–0000
RICHARD E. COE, 000–00–0000
ANDRE L. COLEMAN, 000–00–0000
WILLIAM E. COLEMAN, JR, 000–00–0000
DAVID L. COLLINS, JR, 000–00–0000
CHANDLER T. COMERFORD, 000–00–0000
KELLY J. CONJELKO, 000–00–0000
BRENDAN M. CONLON, 000–00–0000
ROBERT A. CONNORS, 000–00–0000
HEATHER L. CONVERSE, 000–00–0000
ROBERT F. COOGAN, 000–00–0000
CHRISTOPHER J. COOK, 000–00–0000
BRIAN M. COOPER, 000–00–0000
WESLEY W. COOPER, 000–00–0000
CHRISTOPHER S. CORNETT, 000–00–0000
NOEL M. CORPUS, 000–00–0000
LYNNE A. CORSO, 000–00–0000
RICHARD A. COSTELLO, 000–00–0000
CARL D. COX, 000–00–0000
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RYAN M. COX, 000–00–0000
EUGENE R. CRAN III, 000–00–0000
PAUL A. CROCI, 000–00–0000
SAMYA V. CRUZ, 000–00–0000
CATHERINE E. CUNNINGHAM, 000–00–0000
RIEL M. CUSTODIO, 000–00–0000
MICHAEL B. DAVIES, 000–00–0000
MICHAEL A. DAVIS, JR, 000–00–0000
ANGEL M. DAWKINS, 000–00–0000
JOSHUA H. DECARO, 000–00–0000
DANIEL N. DECIECHI, 000–00–0000
JEFFERY S. DEITENBECK, 000–00–0000
JOSEPH D. DELASKI, 000–00–0000
NANCY L. DELAVAN, 000–00–0000
BRIAN E. DELUTIO, 000–00–0000
LUIZ R. DEMOURA, 000–00–0000
ERIC L. DENIS, 000–00–0000
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DAMON B. DIXON, 000–00–0000
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PENELOPE G. DONNELLY, 000–00–0000
KATHERINE T. DOOLEY, 000–00–0000
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LAMAR B. DOUBERLY, 000–00–0000
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JOSEPH C. FREEBORN, 000–00–0000
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CHAD R. FROELICH, 000–00–0000
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CYNTHIA M. FULMER, 000–00–0000
BRENT N. FULTON, 000–00–0000
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PATRICK J. GALLAGHER, 000–00–0000
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GARRICK M. JOSEPH, 000–00–0000
PAUL W. JUDGE, 000–00–0000
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DANIEL S. JURTA, 000–00–0000
PAUL J. KANE III, 000–00–0000
STEPHEN M. KARSON, 000–00–0000
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BLAIR A. KEITHLEY, 000–00–0000
EDWARD J. KELLEY III, 000–00–0000
KEITH A. KELLEY, 000–00–0000
KREG L. KELLY, 000–00–0000
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RYAN T. KEYS, 000–00–0000
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MARK S. KIM, 000–00–0000
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CORTNEY D. KINNAN, 000–00–0000
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MICHAEL J. KIRWAN, 000–00–0000
DENNIS W. KLEIN, 000–00–0000
AARON E. KLEINMAN, 000–00–0000
ROBERT W. KLEMEYER, 000–00–0000
BRIGAND W. KLINE, 000–00–0000
CHRISTOPHER L. KLIPP, 000–00–0000
RICHARD P. KNAPP, 000–00–0000
BRIAN S. KNOWLES, 000–00–0000
JOONG S. KO, 000–00–0000
KURT A. KOCHENDARFER, 000–00–0000
KARL E. KOHLER, 000–00–0000
NEIL A. KOPROWSKI, 000–00–0000
GIOVANNA L. KOSTRUBALA, 000–00–0000
KRISTINE N. KOTT, 000–00–0000
KARA A. KOULOHERAS, 000–00–0000
KEVIN M. KOZAK, 000–00–0000
JOHN D. KRALL, 000–00–0000
SCOTT D. KREMEIER, 000–00–0000
ERIK S. KRISTENSEN, 000–00–0000
JAMES A. KUBIAK, 000–00–0000
BRIAN C. KURZEJA, 000–00–0000
RAPHAEL P. KUYLER, 000–00–0000
KURT A. KYLE, 000–00–0000
RAMON I. LAMAS, 000–00–0000
TIMOTHY S. LANQUIST, 000–00–0000
LANCE C. LANTIER, 000–00–0000
MICHAEL C. LAPAGLIA, 000–00–0000
PETER A. LASHOMB, 000–00–0000
JEFFREY F. LASTFOGEL, 000–00–0000
GEORGE M. LAWLER, 000–00–0000
THOMAS J. LAWRENCE, 000–00–0000
KENNETH E. LEAK, 000–00–0000
DARRON D. LEE, 000–00–0000
YOSH A. LEHMAN, 000–00–0000
SUZANNE M. LESKO, 000–00–0000
JOSHUA D. LEVY, 000–00–0000
STEPHEN L. LEWIS, 000–00–0000
BRIAN T. LINDOERFER, 000–00–0000
MICHELE L. LOBRITZ, 000–00–0000
JULIE A. LOMPA, 000–00–0000
MATTHEW D. LONG, 000–00–0000
ABDEL I. LOPEZ, 000–00–0000
MARCUS LOPEZ, 000–00–0000
MICHAEL J. LOPEZ, 000–00–0000
JAMES A. LORETO, JR, 000–00–0000
JOHN T. LOWELL, 000–00–0000
ERIC T. LOWMAN, 000–00–0000
JEFFREY D. LOZINGER, 000–00–0000
LEAH A. LUCERO, 000–00–0000
SCOTT C. LUERS, 000–00–0000
GORDON J. LYSSY, 000–00–0000
DOUGLAS S. MACKENZIE, 000–00–0000
CHRISTOPHER D. MACMILLAN, 000–00–0000
JOHN A. MADRID, 000–00–0000
CAROLINE E. MAGEE, 000–00–0000
RYAN K. MAHELONA, 000–00–0000

RONNIE E. MAHOFSKI, 000–00–0000
DANIEL P. MALATESTA, 000–00–0000
JAMES H. MARTINDALE, 000–00–0000
DAVID F. MARUNA II, 000–00–0000
RICHARD M. MASICA, 000–00–0000
WILLIAM E. MASKE, 000–00–0000
CRAIG T. MATTINGLY, 000–00–0000
MARK W. MATTOX, 000–00–0000
MATTHEW K. MAUPIN, 000–00–0000
STEVEN J. MAURO, 000–00–0000
EDWARD J. MAYLE, 000–00–0000
RUSSELL A. MAYNARD, 000–00–0000
WILLIAM S. MCCRACKEN, 000–00–0000
JODY L. MCCULLOUGH, 000–00–0000
EARL L. MCDOWELL, 000–00–0000
BRANNEN G. MCELMURRAY, 000–00–0000
BROOKS B. MCFEELY, 000–00–0000
MICHAEL C. MCGARITY, 000–00–0000
ROBERT S. MCHENRY, 000–00–0000
JAMES A. MCMULLIN III, 000–00–0000
BRIAN J. MCPHEETERS, 000–00–0000
MARCELLA R. MEDRANO, 000–00–0000
BERNARD T. MEEHAN III, 000–00–0000
TODD B. MENCKE, 000–00–0000
MICHAEL W. MEREDITH, 000–00–0000
KEVIN W. MESSER, 000–00–0000
GREGORY A. MEYER, 000–00–0000
POLGEORGE R. MIJARES, 000–00–0000
STACIE L. MILARK, 000–00–0000
STEVEN E. MILEWSKI, 000–00–0000
JAMES L. MILL, 000–00–0000
KYLE A. MILLER, 000–00–0000
LEONARD H. MILLIKEN, JR, 000–00–0000
NATHANIEL T. MILLSAP, JR, 000–00–0000
JARRETT B. MILLSAPS, JR, 000–00–0000
JOSHUA W. MINYARD, 000–00–0000
WILLIAM J. MISKELLY III, 000–00–0000
STEPHANIE E. MITCHELLSMITH, 000–00–0000
CHRISTINA A. MOCK, 000–00–0000
PATRICK L. MODLIN, 000–00–0000
KURTIS A. MOLE, 000–00–0000
ENRIQUE G. MOLINA, 000–00–0000
ROBERT P. MONAHAN, 000–00–0000
JOHN M. MONTAGNET, 000–00–0000
OSCAR MONTES, 000–00–0000
JOHN T. MONTONYE, 000–00–0000
KEITH A. MORAN, 000–00–0000
MARY K. MORE, 000–00–0000
GRAYSON B. MORGAN, 000–00–0000
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ELIZABETH L. MOXON, 000–00–0000
ERIC S. MUELLER, 000–00–0000
JOHN MUI, 000–00–0000
ERIC J. MULVILLE, 000–00–0000
SHAWN B. MUNDAY, 000–00–0000
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KIRSTEN M. MURPHY, 000–00–0000
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SEAN M. MUTH, 000–00–0000
JONATHAN L. MYERS, 000–00–0000
MENDEL B. NAFARRETE, 000–00–0000
MARK W. NAVE, 000–00–0000
MARK E. NEFF, 000–00–0000
THOMAS J. NEVILLE III, 000–00–0000
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ROWENA E. OLSON, 000–00–0000
JUSTIN P. ORLICH, 000–00–0000
DAVID A. ORLOSKY, 000–00–0000
ANTON D. ORR, 000–00–0000
MICHAEL J. ORR, 000–00–0000
JESSICA M. OSBORNE, 000–00–0000
DAVID M. OVERCASH, 000–00–0000
ARVIS D. OWENS, 000–00–0000
FRANK E. PAGURA, 000–00–0000
JOHN N. PALAZZA, 000–00–0000
MAURICE G. PARETS, 000–00–0000
CARL L. PARKS, 000–00–0000
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JAMES N. PATTERSON, 000–00–0000
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PEDRO E. PAZ, 000–00–0000
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ANIL PHULL, 000–00–0000
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MATTHEW D. PIORKOWSKI, 000–00–0000
ROSS H. PIPER III, 000–00–0000
MICHELE A. POOLE, 000–00–0000
HARTLEY A. POSTLETHWAITE V, 000–00–0000
BRETTON S. POTTS, 000–00–0000
NORMAN N. PRESECAN, 000–00–0000
GREGORY M. PRITCHARD, 000–00–0000
RICHARD S. PUGH, 000–00–0000
DJAMAL PULLOM, 000–00–0000
STEPHEN M. QUAILE, 000–00–0000
KEVIN S. QUEEN, 000–00–0000
ANDREA M. QUY, 000–00–0000
JEREMIAH J. RABITOR, 000–00–0000
SUNIL N. RAMCHAND, 000–00–0000
RUBEN RAMOS, 000–00–0000
BARTLEY A. RANDALL, 000–00–0000
WILLIAM E. REAGAN, 000–00–0000
CHRISTOPHER A. REAGHARD, 000–00–0000
SUSAN J. REDDICK, 000–00–0000
WILLIAM R. REED, 000–00–0000
CHARLES D. REESE, 000–00–0000
LINCOLN M. REIFSTECK, 000–00–0000
JOSE L. RETA, 000–00–0000
JON S. REYNOLDS, 000–00–0000
FRANK A. RHODES IV, 000–00–0000
EYRAN E. RICHARDS, 000–00–0000
CHRISTA A. RICHARDSON, 000–00–0000
DAVID K. RICHARDSON, 000–00–0000
JASON E. RIMMER, 000–00–0000
KURT A. RINEHIMER, 000–00–0000
CESAR G. RIOS, JR, 000–00–0000
JASON E. RITZ, 000–00–0000
ROBERT A. RIVERA, 000–00–0000
CHRISTOPHER J. ROBB, 000–00–0000
DEBORAH J. ROBERGE, 000–00–0000
BRYAN C. ROBERTS, 000–00–0000
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MARTIN E. ROBERTS, 000–00–0000
PAUL M. ROCHE, JR, 000–00–0000
FRIEDRICH D. ROCHLEDER, 000–00–0000
JESUS A. RODRIGUEZ, 000–00–0000
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BRADLEY N. ROSEN, 000–00–0000
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JARRET L. ROTH, 000–00–0000
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THEODORE M. RYAN, 000–00–0000
JOSHUA A. SAGER, 000–00–0000
MARIO SALINAS, 000–00–0000
AMY E. SALNESS, 000–00–0000
CHRISTINE C. SALONGA, 000–00–0000
ALEXANDER T. SALUNGA, 000–00–0000
CHRISTOPHER C. SAMBAR, 000–00–0000
DONY S. SAMONTE, 000–00–0000
ROBERT S. SAMUELSON, 000–00–0000
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GERALDJAMES M. SANTIAGO, 000–00–0000
MICHAEL R. SANTINI, 000–00–0000
MICHAEL G. SANTOMAURO, 000–00–0000
MICHAEL E. SANTOS, 000–00–0000
SARA L. SANTOSKI, 000–00–0000
DONALD L. SAVAGE, 000–00–0000
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SAMUEL L. SCAFE, 000–00–0000
THOMAS H. SCHEER, 000–00–0000
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PAUL G. SCHUDEL, 000–00–0000
BRUCE G. SCHUETTE, 000–00–0000
EMILY L. SCHUETTE, 000–00–0000
KATHERINE J. SCHULLIAN, 000–00–0000
BRIAN W. SCHULTZ, 000–00–0000
ELIZABETH R. SCOONOVER, 000–00–0000
ADAM T. SCOTT, 000–00–0000
WILLIAM M. SENA, 000–00–0000
JEFFREY R. SEXTON, 000–00–0000
NEIL G. SEXTON, 000–00–0000
BORIS SHAPIRO, 000–00–0000
STEPHEN F. SHEDD, 000–00–0000
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SCOTT R. SHEPARD, 000–00–0000
CAROLYN A. SHULL, 000–00–0000
BENJAMIN A. SHUPP, 000–00–0000
JAMES K. SIEVERT, 000–00–0000
ROBERT V. SIMONE, JR, 000–00–0000
BRAXTON T. SISCO, 000–00–0000
ROBERT J. SITES, 000–00–0000
JOHN W. SKARIN, 000–00–0000
JAMES C. SKILLMAN, 000–00–0000
CHAD D. SLOAN, 000–00–0000
RYAN J. SMALLEY, 000–00–0000
GARTH E. SMELSER, 000–00–0000
CARL E. SMIT, 000–00–0000
CHARLES W. SMITH, 000–00–0000
CHRISTOPHER L. SMITH, 000–00–0000
CLINTON T. SMITH, 000–00–0000
DAVID R. SMITH, 000–00–0000
J. W. SMITH, 000–00–0000
JEROME F. SMITH III, 000–00–0000
JOE L. SMITH III, 000–00–0000
JOSHUA A. SMITH, 000–00–0000
ROBERT W. SMITH, 000–00–0000
ROY E. SMITH, 000–00–0000
SCOTT P. SMITH, 000–00–0000
SHAWN C. SMITH, 000–00–0000
THOMAS C. SMITH, 000–00–0000
JOHN P. SMOLEN, 000–00–0000
HAL S. SNAPP, 000–00–0000
ANTHONY G. SOLLIDAY, 000–00–0000
BRADLEY M. SOPER, 000–00–0000
ADAM P. SPILLANE, 000–00–0000
JAMES M. SPIVEY, 000–00–0000
NATHAN M. SPONG, 000–00–0000
ALBERT J. SPRENGER, JR, 000–00–0000
DANA C. STAGGS, 000–00–0000
ZACHARY H. STAPLES, 000–00–0000
ERIC JOSEPH A. STENZEL, 000–00–0000
JAMES S. STEPHENS, 000–00–0000
RYAN H. STEPHENS, 000–00–0000
HENRY A. STEPHENSON, 000–00–0000
KERRY A. STERCULA, 000–00–0000
SANDRA L. STEVENS, 000–00–0000
MICHAEL J. STINSON, 000–00–0000
DAVID M. STPIERRE, 000–00–0000
JOHN A. STRICKLAND, 000–00–0000
SCOTT A. STRINGER, 000–00–0000
JASON M. STRIPINIS, 000–00–0000
BRENT M. STRONG, 000–00–0000
RANDY L. STUDT, 000–00–0000
MICHAEL A. SUCH, 000–00–0000
DANIEL J. SULLIVAN, 000–00–0000
GARY R. SULLIVAN, 000–00–0000
BRIAN D. SWANSON, 000–00–0000
MICHAEL Z. SZILARD, 000–00–0000
WILLIAM R. TAFF, JR, 000–00–0000
ERIC W. TANSKY, 000–00–0000
CHRISTOPHER J. TARSA, 000–00–0000
JOSEPH K. TAYLOR, JR, 000–00–0000
SPENCER C. TEMPLETON, 000–00–0000
WADE D. THARRINGTON, JR, 000–00–0000
ERIC C. THIEL, 000–00–0000
PATRICK C. THIEN, 000–00–0000
PAUL D. THIRY, 000–00–0000
ANDREW J. THOMAS, 000–00–0000
JAMES M. THORNTON, 000–00–0000
ADAM W. TIGHT, 000–00–0000
TIMOTHY D. TIPPETT, 000–00–0000
BENJAMIN P. TOLERBA, 000–00–0000
MARY A. TOMLIN, 000–00–0000
RYAN C. TORGRIMSON, 000–00–0000
WENDY A. TOWLE, 000–00–0000
JONATHAN R. TOWNSEND, 000–00–0000
KEVIN K. TOWNSEND, 000–00–0000
MARCO A. TREVINO, 000–00–0000
JON S. TROYER, 000–00–0000
DAVID M. TRUJILLO, 000–00–0000
REBECCA L. TSCHAMPL, 000–00–0000
COLIN J. TUGGLE, 000–00–0000
JOHN M. TULLY, 000–00–0000
COREY J. TURNER, 000–00–0000
WILLIAM C. TURNER, JR, 000–00–0000
KEVIN M. UNDERWOOD, 000–00–0000
TIMOTHY T. URBAN, 000–00–0000
DANIEL W. VALASCHO, 000–00–0000
TINA J. VALDEZ, 000–00–0000
MICHAEL A. VALLEJO, 000–00–0000
JOHN C. VENTURA, 000–00–0000
KIMBERLY A. VERTOLLI, 000–00–0000
RAYMOND M. VIAYRA, JR, 000–00–0000
JEFFERY A. VILLANUEVA, 000–00–0000
RICHARD J. VILLAREAL, 000–00–0000
OMAR E. VILLEGAS, JR, 000–00–0000
THEODORE A. VOLTZ, 000–00–0000
ROBERT H. VROMAN, 000–00–0000
DEAN R. WAKEHAM, 000–00–0000
AENON J. WALLACE, 000–00–0000
SETH A. WALTERS, 000–00–0000
BRITTON J. WANICK, 000–00–0000
DWIGHT S. WARNOCK, 000–00–0000
MONIKA L. WASHINGTON, 000–00–0000
EDWARD R. WATKINS, 000–00–0000
ARTHUR W. WATSON III, 000–00–0000
SHAWN R. WATTLES, 000–00–0000
JEFFREY R. WEBB, 000–00–0000
CHRISTOPHER S. WELLER, 000–00–0000
THOMAS R. WESTHUSIN, 000–00–0000
CHRISTOPHER H. WHEELER, 000–00–0000
BRYAN D. WHITE, 000–00–0000
JASON L. WHITE, 000–00–0000
CRAIG M. WHITTINGHILL, 000–00–0000
KARL W. WICK, 000–00–0000
ERIC WIDMAN, 000–00–0000
BRETT K. WILCOX, 000–00–0000
DOUGLAS L. WILLIAMS, 000–00–0000
JODY C. WILLIAMS, 000–00–0000
KERRY C. WILLIAMS, 000–00–0000
REGINAL L. WILLIAMS, 000–00–0000
TIFFANNY L. WILLIAMS, 000–00–0000
MARK A. WILLIAMSON, 000–00–0000
JASON G. WILLISCROFT, 000–00–0000
ARTHUR E. WILLS, 000–00–0000
DSUNTE L. WILSON, 000–00–0000
PAUL H. WINGEART, 000–00–0000
TIMOTHY M. WINTER, 000–00–0000
CAROLYN M. WISNER, 000–00–0000
ROBERT A. WOLF, 000–00–0000
BYRON K. WOODARD, 000–00–0000
DEAN B. WORKMAN, 000–00–0000
CHAD A. WORTHLEY, 000–00–0000
SARAH L. WRIGHT, 000–00–0000
WILLIAM D. WRIGHT, 000–00–0000
PAUL L. WYNNS, 000–00–0000
MICHAEL J. YANKANICH, 000–00–0000
MICHAEL B. YESUNAS, JR, 000–00–0000
MICHAEL R. YORTY, 000–00–0000
FORREST O. YOUNG, 000–00–0000
SCOTT D. YOUNG, 000–00–0000
JULIE S. ZAVODNY, 000–00–0000
GLENN M. ZEIGLER, 000–00–0000
DAVID W. ZERFAS, 000–00–0000
VINCENT A. ZIZAK III, 000–00–0000
JOSHUA C. ZLOBA, 000–00–0000
JAKE ZWEIG, 000–00–0000

THE FOLLOWING-NAMED NAVAL RESERVE OFFICER TRAINING CORPS AND ENLISTED COMMISSIONING PROGRAM GRADUATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE AND STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be ensign

RYAN D. AARON, 000–00–0000
WADE D. ABBOTT, 000–00–0000
ALAN C. ABER, 000–00–0000
KENNETH P. ABRAMS, 000–00–0000
DOUBLAS C. ABTS, 000–00–0000

DANIEL C. ADAMS II, 000–00–0000
DAVID C. ADAMS, 000–00–0000
EDWARD J. ALBERS, 000–00–0000
JERRY L. ALEXANDER, 000–00–0000
KIRSTEN A. ALLAM, 000–00–0000
JOSEPH L. ALLEN, 000–00–0000
PAUL D. ALLEN, 000–00–0000
ROBIN M. ALLEN, 000–00–0000
STEPHANIE B. ALLEN, 000–00–0000
QUAISON N. ALLEYNE, 000–00–0000
TARA L. ALLISON, 000–00–0000
ROBERT S. ALTEMARI, 000–00–0000
DANIEL A. ALTRUZ, 000–00–0000
LUIS A. ALVAREZ, 000–00–0000
JASON S. ALZNAUER, 000–00–0000
DAMON K. AMARAL, 000–00–0000
ALYSA L. AMBROSE, 000–00–0000
FRANKLIN J. ANDERS, 000–00–0000
ERIK C. ANDERSON, 000–00–0000
FRANCIS E. ANDERSON, 000–00–0000
MARK D. ANDERSON, 000–00–0000
SHELLEY ANDERSON, 000–00–0000
SUZETTE S. ANDERSON, 000–00–0000
TIMOTHY A. ANDERSON, 000–00–0000
TODD D. ANDERSON, 000–00–0000
LISA M. ANDRES, 000–00–0000
MARC A. ANGELONE, 000–00–0000
MICHAEL S. ANSLEY, 000–00–0000
STEVEN M. ANTHOLT, JR., 000–00–0000
ROSEANNA G. APOLISTA, 000–00–0000
DAVID R. ARMBRUSTER, 000–00–0000
RONNY W. ARMSTRONG, 000–00–0000
AVONNA S. ARNETT, 000–00–0000
CHRISTINE ARNOLD, 000–00–0000
DANIEL P. ARTHUR, 000–00–0000
ANTHONY R. ARTINO, JR., 000–00–0000
JOYCE C. ASCANO, 000–00–0000
RANDY E. ASHMAN, 000–00–0000
DEREK J. ATKINSON, 000–00–0000
DANIEL S. AUGUSTI, 000–00–0000
CHARLES H. AUGUSTUS, 000–00–0000
LYNDA M. AYALA, 000–00–0000
KENNETH J. AZZOLLINI, 000–00–0000
ROBERT F. BAARSON, JR., 000–00–0000
CHARLES F. BABB, 000–00–0000
JASON B. BABCOCK, 000–00–0000
JONATHAN F. BACH, 000–00–0000
DAVID N. BACK, 000–00–0000
CHRISTINA A. BAGAGLIO, 000–00–0000
SHAWN T. BAILEY, 000–00–0000
JOHN W. BAILIE III, 000–00–0000
KELLY S. BAKER, 000–00–0000
ROCKNE T. BAKER, 000–00–0000
SCOTT A. BALLINA, 000–00–0000
DAVID J. BALSITIS, 000–00–0000
CHRISTOPHER M. BARBER, 000–00–0000
MADELAINE A. BARDOT, 000–00–0000
LAVAUGHN T. BARKER, 000–00–0000
JUDAH I. BARLOW, 000–00–0000
WILLIAM S. BARNARD, 000–00–0000
ANTHONY C. BARNES, 000–00–0000
RUSSELL M. BARNES, 000–00–0000
DAVID M. BARRERA, 000–00–0000
DALE S. BARRETT, 000–00–0000
KEITH P. BARTO, 000–00–0000
BRIAN G. BAUER, 000–00–0000
DAVID E. BAUER, 000–00–0000
OLIVER F. BAYONA, 000–00–0000
BRYCE R. BEAUDOIN, 000–00–0000
NIKOLE L. BECK, 000–00–0000
BRIAN C. BECKER, 000–00–0000
ROBERT C. BECKER, 000–00–0000
TYLER P. BEDNARSKI, 000–00–0000
MICHAEL V. BENEDETTO, 000–00–0000
MARIO M. BENEDITO, 000–00–0000
DAVID A. BENSON, 000–00–0000
REBEKAH A. BERDINE, 000–00–0000
JASON R. BERINGER, 000–00–0000
PAUL J. BERNARDINO, 000–00–0000
DANIEL F. BERTIN, 000–00–0000
GREGORY A. BESHORE, 000–00–0000
DANIEL J. BESSE, 000–00–0000
STACY A. BEST, 000–00–0000
THOMAS M. BESTAFKA, 000–00–0000
RICHARD T. BEVAN, 000–00–0000
ANDREW M. BIEHN, 000–00–0000
MICHAEL C. BIEMILLER, 000–00–0000
MICHAEL E. BIERY, 000–00–0000
JOHN M. BILLCHECK, 000–00–0000
MICHAEL E. BISSELL, 000–00–0000
KARL E. BJORK, 000–00–0000
FRANK S. BLACK III, 000–00–0000
KARA J. BLAISURE, 000–00–0000
SHARON L. BLANEY, 000–00–0000
CORY J. BLASER, 000–00–0000
RODNEY J. BLUNK, 000–00–0000
GREGORY D. BLYDEN, 000–00–0000
LAURA M. BOEHM, 000–00–0000
JACK L. BOLLER, 000–00–0000
CARLOS N. BOMBASI, 000–00–0000
JAMES S. BOND, 000–00–0000
TODD A. BONHAM, 000–00–0000
WALTER BONILLA, 000–00–0000
WILLIAM D. BOOTH, 000–00–0000
MATT L. BOREN, 000–00–0000
MICHAEL L. BORGMEYER, 000–00–0000
JOHN BOS, 000–00–0000
RANDALL W. BOSTICK, 000–00–0000
BYRON J. BOUDREAUX, 000–00–0000
STEPHEN W. BOWMAN, 000–00–0000
RODNEY R. BOYD, 000–00–0000
MATTHEW T. BOYLE, 000–00–0000
PATRICK W. BRAME, 000–00–0000
ROBERT W. BRAUER, 000–00–0000
RICHARD A. BRAUNBECK III, 000–00–0000
ERIC D. BRAY, 000–00–0000
BRADLEY E. BREWER, 000–00–0000
DAVID W. BRICKEY, 000–00–0000
CHRISTOPHER J. BRIDGES, 000–00–0000
MICHAEL W. BRIGGS, 000–00–0000
SONYA R. BRIGGS, 000–00–0000
WESLEY P. BRINGHAM, 000–00–0000
RICHARD M. BROCKMAN, 000–00–0000
CHAD M. BROOKS, 000–00–0000
RYAN J. BROUGHTON, 000–00–0000
DARRYL BROWN, 000–00–0000
ERIC P. BROWN, 000–00–0000
MYRON M. BROWN, 000–00–0000
THOMAS J. BROWNFIELD II, 000–00–0000
ROBERT M. BRUCE, 000–00–0000
MATTHEW D. BRUDER, 000–00–0000
GABRIELE E. BRUNHART, 000–00–0000
BRANDON S. BRYAN, 000–00–0000
TIMOTHY J. BRYANT, 000–00–0000
GREGORY D. BUCHANAN, 000–00–0000
ARIC W. BUCKLES, 000–00–0000
ARON F. BUCKLES, 000–00–0000
RICARDO BUENO, JR., 000–00–0000
CHAD E. BUERMELE, 000–00–0000
DANIEL A. BUHR, 000–00–0000
THOMAS J. BUNTING, 000–00–0000
LARRY R. BUNTYN, 000–00–0000
STEPHAN L. BURGOS, 000–00–0000
ELLIE L. BURNS, 000–00–0000
CHARLES N. BURWICK, 000–00–0000
ARTA BUSHAWWEESE, 000–00–0000
MYLA W. BUTLER, 000–00–0000
RICHARD D. BUTLER, 000–00–0000
KEITH A. BUZALSKY, 000–00–0000
MICHAEL P. CADENAZZI, JR., 000–00–0000
JEFFREY T. CAHILL, 000–00–0000
CHRISTOPHER R. CALDWELL, 000–00–0000
JEFFREY W. CALL, 000–00–0000
CHRISTOPHER D. CAMBRE, 000–00–0000
GRAY A. CAMP, 000–00–0000
KEITH A. CAMPBELL, 000–00–0000
MARIE A. CAMPBELL, 000–00–0000
THOMAS E. CAMPBELL, 000–00–0000
JOHN A. CARDILLO, 000–00–0000
GARY J. CARLSON, 000–00–0000
ANDREW M. CARNELL, 000–00–0000
RAUL J. CARRILLO, 000–00–0000
SANTIAGO M. CARRIZOSA, 000–00–0000
MAXEY L. CARROLL, 000–00–0000
ROBERT S. CARROLL, 000–00–0000
SCOTT A. CARROLL, 000–00–0000
WILLIAM M. CARTER, 000–00–0000
CASEY J. CASAD, 000–00–0000
STEVEN A. CASAREZ, 000–00–0000
JOSEPH A. CASCIO, 000–00–0000
GREGORY R. CASKEY, 000–00–0000
MATTHEW J. CASSADY, 000–00–0000
JASON R. CASSANO, 000–00–0000
ABRAXAS J. CATALANOTTE, 000–00–0000
NADINE E. CATER, 000–00–0000
PETER J. CATES, 000–00–0000
MICHAEL L. CATO, 000–00–0000
PURNELL A. CAULEY, 000–00–0000
JONATHAN D. CAVERLEY, 000–00–0000
EDWARD M. CAVINS, 000–00–0000
TIMOTHY A. CHALLINGSWORTH, 000–00–0000
SCOTT C. CHAMBERLIN, 000–00–0000
MATTHEW A. CHAMBERS, 000–00–0000
SAMUEL G. CHANCE, 000–00–0000
DAVID A. CHANDLER, 000–00–0000
STEFANIE S. CHANEY, 000–00–0000
ANDREW J. CHARLES, 000–00–0000
WILLIAM E. CHESTNUT, 000–00–0000
ANDREW G. CHICOINE, 000–00–0000
TODD R. CHIPMAN, 000–00–0000
JEFFREY E. CHISM, 000–00–0000
JEFFREY J. CHOWN, 000–00–0000
TY G. CHRISTIE, 000–00–0000
JOHN A. CHRISTMAN, 000–00–0000
CHAD C. CLAY, 000–00–0000
PONCE D. CLAY, 000–00–0000
JAMIE G. CLEARMAN, 000–00–0000
RANDALL E. CLEVELAND, 000–00–0000
ADAM H. CLEVENGER, 000–00–0000
ELIZABETH A. CLIFTON, 000–00–0000
KIMBERLY A. CLINGON, 000–00–0000
DAVID L. CLOUTIER, 000–00–0000
LOWELL E. COATES, 000–00–0000
ANDREW P. COCHRAN, 000–00–0000
DIEGO E. CODOSEA, 000–00–0000
JOEL A. COHEN, 000–00–0000
DOUGLAS A. COHLMEYER, 000–00–0000
HEATHER M. COLDREN, 000–00–0000
BEVERLY D. COLE, 000–00–0000
STANFORD P. COLEMAN, 000–00–0000
DONALD E. COLEY, 000–00–0000
BRIAN E. COLLIE, 000–00–0000
BRIAN I. COLLING, 000–00–0000
LIAM J. COLLINS, 000–00–0000
SHELON E. COLLINS, 000–00–0000
JOHN A. COMO, 000–00–0000
MATTHEW K. CONLIFFE, 000–00–0000
MATTHEW CONNER, 000–00–0000
MICHAEL R. CONNER, 000–00–0000
NORMA J. CONNER, 000–00–0000
CRAIG S. CONNORS, 000–00–0000
BARRY W. COOK, 000–00–0000
CHRISTIAN E. COOK, 000–00–0000
DONALD E. COOPER, 000–00–0000
MARK E. COOPER, 000–00–0000
SHANE D. COOPER, 000–00–0000
DANIEL B. COPELAND, 000–00–0000
JAMES T. CORBETT, 000–00–0000
SCOTT J. CORBETT, 000–00–0000
JAMES A. CORLETT, 000–00–0000
CHRISTOPHER B. CORNELISSEN, 000–00–0000
PATRICK A. COUNT, 000–00–0000
ALLEN S. COUTURE, 000–00–0000
WILLIAM D. COVILL, 000–00–0000
JOHN C. COWAN, 000–00–0000
FRANKLIN D. COX, 000–00–0000
RALPH B. COX, 000–00–0000
BRIAN T. COXSON, 000–00–0000
WILLIAM M. CRANE, 000–00–0000
JAMES W. CRATE, 000–00–0000
DAMARA L. CRAWLEY, 000–00–0000
RICHARD B. CREWS, 000–00–0000
CHRISTOPHER J. CRICK, 000–00–0000
JOHN A. CRIER, 000–00–0000
MARK E. CRITTENDEN, 000–00–0000
SCOTT E. CROFT, 000–00–0000
JENEAN C. CROMER, 000–00–0000
MARK W. CROOKS, 000–00–0000
HERMAN A. CRUZ, 000–00–0000
JONATHAN P. CUNZEMAN, 000–00–0000
JOSEPH W. CURTAIN, 000–00–0000
CHARLES T. CURTIS II, 000–00–0000
JOHN R. CUTTITTA, 000–00–0000
JOHN T. DAGGETT, 000–00–0000
THOMAS M. DALL, 000–00–0000
MICHAEL J. DALY, 000–00–0000
JON C. DANCKWERTH, 000–00–0000
SCOTT S. DANIEL, 000–00–0000
ALEXANDER DAVILA, 000–00–0000
HECTOR L. DAVILA, 000–00–0000
ANTONIO M. DAVIS, 000–00–0000
CHRISTOPHER M. DAVIS, 000–00–0000
THALMUS D. DAY, 000–00–0000
EVELYN DECAAL, 000–00–0000
DEAN D. DEDICATORIA, 000–00–0000
TRES D. DEHAY, 000–00–0000
THOMAS C. DELARGE, 000–00–0000
CHRISTOPHER D. DELINSKI, 000–00–0000
GEORGE DEMOPOULOS, 000–00–0000
MICHAEL A. DEPALMA, 000–00–0000
CRAIG S. DERANANIAN, 000–00–0000
CHRISTOPHER R. DESENA, 000–00–0000
THOMAS J. DETERS, 000–00–0000
JERROD E. DEVINE, 000–00–0000
MICHAEL B. DEVORE, 000–00–0000
EDWARD A. DEWINTER, 000–00–0000
KIRK B. DIAL, 000–00–0000
DERICK W. DIAZ, 000–00–0000
MARIO J. DICINO, 000–00–0000
STEPHEN R. DICKERSON, 000–00–0000
TODD J. DICKERSON, 000–00–0000
KEITH M. DIENSTL, 000–00–0000
FREDERICK D. DIETRICH, 000–00–0000
FREDERICK M. DINI, 000–00–0000
JOSEPH DITURI, 000–00–0000
THOMAS E. DIXON, 000–00–0000
CHRISTOPHER G. DOBSON, 000–00–0000
ALAN T. DODD, 000–00–0000
ROBERT J. DOBSON, 000–00–0000
MAX L. DOERFLER, 000–00–0000
BARRETT H. DOHERTY, 000–00–0000
DEBBIE R. DOLIC, 000–00–0000
EVA S. DOMOTORFFY, 000–00–0000
JASON T. DOMZAL, 000–00–0000
DANIEL S. DONAGHY, 000–00–0000
CORNEALIS N. DONAHUE, 000–00–0000
STEPHEN D. DONALD, 000–00–0000
DOUGLAS L. DONEGAN, 000–00–0000
MICHAEL P. DONNELLY, JR., 000–00–0000
CHRISTOPHER J. DORMAN, 000–00–0000
JEFFREY E. DORTCH, 000–00–0000
KEITH B. DOWLING, 000–00–0000
KEVIN J. DOWNEY, 000–00–0000
SCOTT C. DOWNEY, 000–00–0000
KAREN L. DREDSKE, 000–00–0000
JOSHUA P. DRUM, 000–00–0000
JOHN J. DUFFY III, 000–00–0000
CHAD J. DUHON, 000–00–0000
RUSSELL H. DUMAS, 000–00–0000
BERNARD DUNLAP, 000–00–0000
ALEXANDER P. DUNMIRE, 000–00–0000
JENNIFER S. DUNN, 000–00–0000
MARKCUS D. DUNN, 000–00–0000
MATTHEW D. DUNN, 000–00–0000
BRENDAN C. DURKIN, 000–00–0000
JAMES A. DUTTON, 000–00–0000
JAMES T. DUTTON, 000–00–0000
DARRELL EASTER II, 000–00–0000
ROBERT J. EASTIN, 000–00–0000
PHILLIP W. EASTMAN, 000–00–0000
WERNER G. EBNER, 000–00–0000
ELLIS A. ECKLAND, 000–00–0000
RICHARD B. EDWARDS, 000–00–0000
KENNETH L. EHRESMAN, 000–00–0000
JEFFREY S. ELIASON, 000–00–0000
ALISON K. ELK, 000–00–0000
JOSHUA B. ELKINS, 000–00–0000
CHIPMAN S. ELLIOTT, 000–00–0000
THOMAS J. ENDRUSICK, 000–00–0000
STEVEN K. ENGLE, 000–00–0000
CRAIG K. ENGLER, 000–00–0000
CHRISTOPHER S. ENNEN, 000–00–0000
JOSEPH C. ESPINO, 000–00–0000
MARK M. ESTES, 000–00–0000
RONALD A. EVANGELISTA, 000–00–0000
MATTHEW D. EVANS, 000–00–0000
RYAN J. EVANS, 000–00–0000
CHRISTINA C. EVERSON, 000–00–0000
CHAD D. FABER, 000–00–0000
DEREK T. FAGEN, 000–00–0000
SUSAN M. FALLON, 000–00–0000
RONALD J. FANELLI II, 000–00–0000
MARC A. FASSNACHT, 000–00–0000
ALLAN S. FELICIANO, 000–00–0000
VICTOR M. FELIX, 000–00–0000
JOSE L. FELIZ, 000–00–0000
JOSEPH D. FEMINO, 000–00–0000
DAVID P. FENN, 000–00–0000
GREGORY E. FENNELL, 000–00–0000
JULIE C. FEURTADO, 000–00–0000
HOWARD D. FIELDEN, 000–00–0000

TODD A. FIGANBAUM, 000–00–0000
MICHAEL L. FIGUEIREDO, 000–00–0000
MARK A. FILLER, 000–00–0000
JASON W. FINFROCK, 000–00–0000
CHRIS J. FINOCCHIO, 000–00–0000
JACQUELYNN FISHER, 000–00–0000
TERREL J. FISHER, 000–00–0000
JAMES M. FITZGERALD, 000–00–0000
THOMAS J. FITZGERALD, 000–00–0000
DEREK A. FLECK, 000–00–0000
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MARY K. LAUNDON, 000–00–0000
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SHAWN D. PETRE, 000–00–0000
ERIC M. PETSCHLER, 000–00–0000
JEFFREY C. PETTY, 000–00–0000
TRAVIS M. PETZOLDT, 000–00–0000
CATHERINE P. PFLUM, 000–00–0000
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RAYMOND V. PIERIE, 000–00–0000
TABITHA D. PIERZCHALA, 000–00–0000
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JOSE D. PLANAS, 000–00–0000
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ETHAN R. PROPER, 000–00–0000
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CRAIG A. RADOMSKI, 000–00–0000
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ERIC D. REHBERG, 000–00–0000
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GEORGE A. RENTERIA, 000–00–0000
RICHARD N. REPP, 000–00–0000
SHAWN E. REVERTER, 000–00–0000
ARISTIDES G. REYES, 000–00–0000
MARK A. REYES, 000–00–0000
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TONY J. ROSALES, 000–00–0000
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MEGAN E. RUDE, 000–00–0000
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RONALD J. RUTAN, 000–00–0000
JOSEPH A. SAEGERT, 000–00–0000
KENNETH J. SALAZAR, 000–00–0000
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ERIN H. SANDERS, 000–00–0000
PATSY SANDOVAL, 000–00–0000
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MICHAEL R. SARNOWSKI, 000–00–0000
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HEATH H. SARVIS, 000–00–0000
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CHARLES H. SPENCE III, 000–00–0000
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SUSAN B. SPERLIK 000–00–0000
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RICHARD M. SPRINGER, 000–00–0000
JOHN P. STALLCOP, 000–00–0000
BRAD L. STALLINGS, 000–00–0000
SHAWN B. STANDLEY, 000–00–0000
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CARMEN N. STOKS, 000–00–0000
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KYLE G. STRUDTHOFF, 000–00–0000
VINCIRENA STUBBS, 000–00–0000
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RYAN M. SULLIVAN, 000–00–0000
MITCHELL J. SUROWIEC, 000–00–0000
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SHANKAR V. SWAMY, 000–00–0000
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SHELLY M. TAYLOR, 000–00–0000
STEVEN T. TEDDER, 000–00–0000
RICHARD D. TEMER, 000–00–0000
LORIE A. TENGCO, 000–00–0000
PATRICIA L. TESTON, 000–00–0000
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RYAN M. TIBBETTS, 000–00–0000
MICHAEL D. TIEMANN, 000–00–0000
MARK D. TIRMENSTEIN, 000–00–0000
JEANNE M. TOBIN, 000–00–0000
MARLENE A. TOMASZKIEWICZ, 000–00–0000
MARK R. TONSETIC, 000–00–0000
ERIC G. TORRES, 000–00–0000
JOSEPH T. TOSH, 000–00–0000
MARY E. TRAIL, 000–00–0000
AARON S. TRAVER, 000–00–0000
MILTON W. TROY III, 000–00–0000
ROGER D. TUCKER, 000–00–0000
SHAUN C. TUCKER, 000–00–0000
STEVEN W. TUMISKI, 000–00–0000
DAVID P. TUPPER, 000–00–0000
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ROGER A. TURPIN, 000–00–0000
DONALD C. TYER, 000–00–0000
RENE R. URBAN, 000–00–0000
CHRIS T. URNESS, 000–00–0000
CHRISTOPHER J. VALDIVIA, 000–00–0000
ELMER D. VALLE, 000–00–0000
NOU VANG, 000–00–0000
STEPHEN J. VANHORN, 000–00–0000
NICK A. VARES, 000–00–0000
EDWARD M. VARGAS, 000–00–0000
BERRY VAUGHAN, 000–00–0000
MARK D. VAUGHAN, 000–00–0000
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ROBERT C. VEGA, 000–00–0000
DIEGO VELASCO, JR., 000–00–0000
JASON P. VELIVLIS, 000–00–0000
NEIL S. VELLEMAN, 000–00–0000
JOSEPH VEREEN, JR., 000–00–0000
RICHARD K. VERHAAGEN, 000–00–0000
CHRISTOPHER R. VIA, JR., 000–00–0000
ERIC R. VICTORY, 000–00–0000
DENNIS J. VIGEANT, 000–00–0000
FABIO A. VILLANUEVA, 000–00–0000
JORGE L. VILLARREAL, 000–00–0000
TRACY L. VISSIA, 000–00–0000
MICHAEL R. VITALI, 000–00–0000
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KRISTOFER M. VOGT, 000–00–0000
JOSEPH W. VOILAND, 000–00–0000
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MATTHEW J. WAESCHE, 000–00–0000
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GAYLE L. WALKER, 000–00–0000
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BENJAMIN D. WALRATH, 000–00–0000
MARY ELLEN WALSH, 000–00–0000
VERNON A. WALTON, 000–00–0000
DARIN J. WARD, 000–00–0000
KELLY C. WARD, 000–00–0000
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DARRICK R. WARDENBURG, 000–00–0000
DUSTIN C. WARREN, 000–00–0000
BRET A. WASHBURN, 000–00–0000
EDWARD M. WASHINGTON, 000–00–0000
LAKINA A. WASHINGTON, 000–00–0000
MICHAEL J. WEAVER, 000–00–0000
LEROY H. WEBER, 000–00–0000
SCOTT L. WEBER, 000–00–0000
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SARAH A. WENZEL, 000–00–0000
ARNOLD D. WEST, 000–00–0000
SAMUEL S. WEST, 000–00–0000
GEORGE R. WETTACH, 000–00–0000
ERIC C. WEVER, 000–00–0000
TODD E. WHALEN, 000–00–0000
CHARLES F. WHEATLEY IV, 000–00–0000
ELIJAH A. WHITE, 000–00–0000
LADAWN J. WHITE, 000–00–0000
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DANIEL C. WHITFORD, 000–00–0000
ALEX C. WIBE, 000–00–0000
AUDURA C. WICK, 000–00–0000
LANCE R. WIESE, 000–00–0000
JAMES A. WIEST, 000–00–0000
TROY E. WILCOX, 000–00–0000
EDISON R. WILLIAMS, 000–00–0000
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KEITH A. WILLISON, 000–00–0000
CLAY R. WILSON, 000–00–0000
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RICCARDO WILSON, 000–00–0000
TIMOTHY A. WILSON, 000–00–0000
DAVID R. WILWOHL, 000–00–0000
ELLIOTT J. WINDISH, 000–00–0000
LORI C. WINNALL, 000–00–0000
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WALTER J. WINTERS, 000–00–0000
FRANK J. WIRTZ, 000–00–0000
CHRISTOPHER M. WISE, 000–00–0000
CHAD A. WOLF, 000–00–0000
IAN S. WOLFE, 000–00–0000
MICHAEL L. WOLFE, 000–00–0000
ANDREW R. WOOD, 000–00–0000
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DENISE D. WOODFIN, 000–00–0000
JOSEPH P. WOODS, 000–00–0000
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ERNEST C. WOODWARD JR., 000–00–0000
DAVID I. WRIGHT, 000–00–0000
GERALD D. WRIGHT, 000–00–0000
WILLIAM A. WRIGHT, 000–00–0000
HSIN-FU WU, 000–00–0000
MICHAEL E. WYBORSKI, 000–00–0000
MARK D. YEHL, 000–00–0000
STEPHEN YONG, 000–00–0000
RYAN M. YOST, 000–00–0000
DANIEL J. YOUNG, 000–00–0000
DUNCAN F. YOUNG, 000–00–0000
KENNA L. YOUNG, 000–00–0000
PATRICK M. YOUNG, 000–00–0000
TERESITA S. YOUNG, 000–00–0000
TIMOTHY H. YOUNG, 000–00–0000
JAMES A. YSLAS, 000–00–0000
MARIA A. ZABIEREK, 000–00–0000
JOSEPH ZAMBUTO JR., 000–00–0000
TIMOTHY L. ZANE, 000–00–0000
JASON D. ZEDA, 000–00–0000
WILLIAM J. ZEGARSKI JR., 000–00–0000
JOSEPH A. ZIRNHELT, 000–00–0000
DAVID G. ZOOK, 000–00–0000

CONFIRMATION

Executive nomination confirmed by the Senate March 30, 1995:

DEPARTMENT OF AGRICULTURE

DANIEL ROBERT GLICKMAN, OF KANSAS, TO BE SECRETARY OF AGRICULTURE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

WITHDRAWAL

Executive message transmitted by the President to the Senate on March 30, 1995, withdrawing from further Senate consideration the following nomination:

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

CATHERINE BAKER STETSON, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2000, VICE JAMES D. SANTINI, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON JANUARY 5, 1995.