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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. EMERSON].

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 20, 1995.

I hereby designate the Honorable BILL EMERSON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. William Hobbs, Spring Glen Church, Hamden, CT, offered the following prayer:

Sovereign God, holy and gracious, be known in this Chamber where men and women wield authority with far-reaching implications. Make these servants who were clever enough to get elected wise enough to serve the public good, and both fair and compassionate enough to address the needs of all the people, placing people above politics, regarding them as neighbors to be served and joined in service.

Protect them from the terrible temptation of the love of power so they may know the power of love. Let them see across these aisles not enemies to be ridiculed and defeated, but compatriots to join in common enemies of poverty, fear, insecurity, and injustice.

So let Your reign of peace with justice find support here and everywhere, most gracious and almighty God. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. TIAHRT led the Pledge of Allegiance as follows:

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

A WARM WELCOME FOR REV. BILL HOBBS

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

Ms. DELAURO. Mr. Speaker, it brings me great pleasure to welcome here this morning the Reverend Bill Hobbs, my constituent, to the House of Representatives, to the people's House.

Reverend Hobbs indeed serves the people. He is from Hamden, CT, where he presides over the community's largest Protestant congregation at the Spring Glen Church.

Since arriving in 1984, Reverend Hobbs has led his congregation in countless community service efforts. Among their many projects are the food and fuel bank programs. These are critical efforts. The Spring Glen Church has willingly accepted the responsibility of feeding its community's hungry. This, along with helping to provide heat to low-income households during the cold Connecticut winters, is a testament to the congregation's commitment to those in need.

The church is a valuable community resource. It has opened its doors to several civic and community organizations in need of its support. The congregation generously provides to these groups whatever it can. Reverend Hobbs and his congregation help to bridge a critical gap to those who do not qualify for State and Federal aid, and yet still require assistance.

I salute the generous efforts of Reverend Hobbs and Hamden's Spring Glen Church for their selfless service to the community. I thank them for their continuing commitment to these ongoing efforts.

It is our distinct pleasure to have the Reverend Hobbs with us today, and we thank you, Reverend Hobbs, for joining with us today and for your blessing.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that 1-minutes will be limited to 20 today, 10 to each side.

THE NATIONAL DIALOG ON MEDICARE

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

Mr. BARTLETT of Maryland. Mr. Speaker, it has been several weeks now since the Board of Trustees of Medicare issued their report saying that by 2002 Medicare will be broke. We are now engaged in a national dialog on this subject. And where have we come in this dialog?

I think that the little plate here shows it very well. Are we talking about Medicare, or are we talking about MediScare. The last thing this country needs, Mr. Speaker, is all of the half-truths and untruths that are issuing from the other side of the aisle, that are meant to frighten our senior citizens.

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What we need is a considered debate on this subject. Apparently my colleagues on the other side of the aisle are content to maintain the status quo by these scare tactics, and let Medicare go bankrupt.

Mr. Speaker, the Republican majority will not let this happen. We are committed to preserving, protecting, and strengthening Medicare for this generation and future generations.

ARBITRARY CUTS IN MEDICARE ARE IMPRUDENT

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

Mr. DOYLE. Mr. Speaker, I rise today to speak on behalf of our communities, hospitals, and the health of today's and tomorrow's senior citizens. If we are to bring about Medicare reform which will prove to be truly beneficial, we must first reach a consensus that reforms must achieve specified goals without creating new, more difficult problems

In the Pittsburgh area alone, there are seven hospitals which would face almost certain shutdown as a result of these proposed cuts. It is neither prudent nor logical to make devastating cuts to Medicare in such an arbitrary fashion. The sound-thinking, hard-working people of western Pennsylvania and across this country will tell you that putting the cart before the horse will get Medicare nowhere fast.

A recent national poll shows that 72 percent of the American public oppose Medicare cuts being made to pay for tax breaks. One has to question how making major cuts to Medicare in part to fund tax breaks could be construed by anyone as fiscally conservative.

I urge my colleagues to oppose these ill-conceived and reckless cuts which not only shake the current foundation, but cause irreparable damage to the future stability of the Medicare system.

ACT NOW TO SAVE MEDICARE, NOT LATER

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

Mr. TIAHRT. Mr. Speaker, the liberals are continuing their scare campaign against the seniors of our country, telling them that Republicans are going to take away their Medicare benefits. In fact, Mr. Speaker, the liberals sound like they want to change the name from Medicare to MediScare.

But I would like to tell you something: I like Medicare, I like providing seniors with crucial medical security. And let me tell you what else I like. I like the idea of Medicare lasting a long, long time, so that future generations will also enjoy medical security.

But the President's Board of Trustees on Medicare tells us the system is going bankrupt in 7 years. Unless we act now, the future looks bleak.

Mr. Speaker, I would like to tell my liberal colleagues, let us forget the MediScare tactics. Let us channel our energy into something productive. Work with us to save Medicare, and please stop scaring our senior Americans.

WE NEED SPECIFICS ON CHANGES IN MEDICARE

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

Mr. DOGGETT. Mr. Speaker, I believe it was old Will Rogers who said all I know is what I read in the papers, and were he around today, he would have a great deal in common with the seniors and the people who care about seniors, who are concerned about Medicare.

Because you see, all that our Republican colleagues have had to say about their specific plan to change and alter and reform and refine Medicare is that they think that ought to be done. If American seniors or Will Rogers were to have read the Times on Monday, they would have learned one of the specifics of this particular secret plan, that the Republicans think that Medicare beneficiaries should be discouraged from buying insurance to cover what Medicare does not cover already.

The Republicans evidently believe that MediGap coverage insulates patients from the cost of care; in essence, that our seniors are not paying enough for the care that they receive today.

We have had two Members this morning come up and talk about Medicare. They have failed to outline one specific change. They should be talking about MediScare, because they are scared to death to tell the American people how they are going to increase the cost of Medicare to every senior in this land.

DURBIN HARASS-THE-TOBACCO-FARMER AMENDMENT

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

Mr. CHAMBLISS. Mr. Speaker, I urge my colleagues to oppose what I call the Durbin harass-the-tobacco-farmer amendment to the Agriculture appropriations bill. Having lived in Georgia's farm belt all my adult life, I understand farm programs. Representing the 10th largest tobacco producing district in the country, I understand the importance of the tobacco program to family farmers in my State and across this country.

Now there is a big difference between improving farm programs and harassing farm families. The Durbin amendment is clearly downright harassment of tobacco farm families.

It does not improve the program, it strangles the farmers who participate. For example, if the Durbin amendment passes, the farmer would not have information on the safest use of chemicals and he would not benefit from his required participation in the crop insurance program.

But the Durbin amendment goes farther. In fact, it would not just affect the farmer, it would affect us all. This provision has the potential to prevent a buy-out of the program which could cost the taxpayers of this country an unbelievable $1 billion.

If you do not want to throw a blindsided knockout punch to family farmers and to rural districts of America then I urge you to vote ''no'' on the Durbin amendment.

MEDICARE CUTS TO FUND TAX BREAKS

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

Mrs. SCHROEDER. Mr. Speaker, indeed there is a MediScare, and there is a MediScare because the seniors know the truth about what is happening. They know that the new Republican majority has found this little piggy bank, this little piggy bank that had ''Medicare Trust Fund'' written on it, and they have crossed out ''Trust Fund'' and they are not using the Medicare piggy bank to pay for the crown jewel of their contract.

What is the crown jewel of their contract? Tax breaks for people who make over $350,000 a year. Seniors think that is unfair, when they also hear that Medicare is going broke. Let me tell you how much faster it is going to go broke if you keep using it as a piggy bank to pay for tax cuts.

When you look at the Medicare tax cut and you look at what it is going to cost to give everybody who makes more than $350,000 a year a $20,000 a year per person tax cut, it almost looks identical.

That is why there is MediScare, and they ought to absolutely be believing there is a MediScare. We ought to stop it.

TAX CUTS AND TAX INCREASES HAVE NO IMPACT ON MEDICARE TRUST FUND

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

Mr. HOKE. Mr. Speaker, I think that the Members on the other side of the aisle do not understand how Medicare is funded. It is funded by a 1.45-percent payroll tax that is levied on employees and matched by employers, and if that tax is not paid, it will not be funded at all. It does not come from the general revenues of the Federal Government, it comes from a trust fund.

It does not matter if we raise one penny of taxes other than the 1.45 percent. It does not matter if we raise those or if we cut them. It has no impact whatsoever. The trust fund will go bankrupt completely in 7 years, regardless of what we do with those taxes. So

tax cuts and tax increases in the general revenue have absolutely no impact on the Medicare trust fund.

TAX BREAK DETRIMENTAL TO NATION

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

Mr. HILLIARD. Mr. Speaker, we cannot allow the extreme right wing agenda of the Republican party to ruin this Nation in order to give a shameless tax break to their wealthy supporters. How can the Republicans cut programs like Medicare and Medicaid for seniors, and health programs for mothers and infants, and, yes, still propose this obscene tax break for the rich?

Mr. Speaker, this shameless tax break is bad for the working men and women of America, and, if it is bad for them, it is bad for Americans. And, yes, Republican are bad for America.

REPUBLICANS HAVE HEEDED WARNINGS ON MEDICARE CAPS

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

Mr. LEWIS of Kentucky. Mr. Speaker, I do not know what we are talking about here when the other side is talking about cuts in Medicare. It seems to me that going from $4,800 per recipient per year to $6,700 is an increase.

Mr. Speaker, unlike the liberals on the other side of the aisle, Republicans have heeded the warnings of the Medicare Trustees Report. That report concluded that immediate action is needed to save Medicare for future generations.

Republicans are fully aware that millions of Americans rely on Medicare to help meet their health care needs. That is why it is called Medi-Care, because it provides care for our parents and grandparents.

On the other hand, liberal Democrats want to exploit this issue. To them this is MediScare. They want to scare people into believing something that is not true. Their tactics are fear, and their goal is to divide the American people.

Mr. Speaker, Medicare is too important a program to be allowed to go bankrupt. The American people must know that Republicans intend to protect and preserve Medicare. We will protect it for current and future beneficiaries, and we will not allow Medicare to become MediScare.

TAXES, TAXES, TAXES

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

Mr. TRAFICANT. Mr. Speaker, retirement tax, income tax, property tax, excise tax, sales tax, beer tax, tobacco tax, cable tax, telephone tax, gasoline tax, hotel tax, surtaxes, taxes on taxes, and, don't forget when you die, inheritance tax. But also how about tolls, user fees, service charges, licenses, transfers. And some experts around the country are saying we don't need tax reform.

Beam me up, Mr. Speaker. Maybe, just maybe, these so-called experts are so dumb, we could throw them at the ground and they would probably miss.

REAL CUTS BEING MADE IN FEDERAL EXPENDITURES

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

Mr. EHLERS. Mr. Speaker, I am very disappointed once again this morning to hear the other side of the aisle talking about imaginary cuts to Medicare, cuts which have never been proposed by the Republicans and which we never plan to implement. I want to show you the cuts that the Republicans are implementing, and this chart shows the beginning of that effort.

We might call it a Sav-O-Meter. The legislative branch we have cut by $150 million; foreign aid by $1.5 billion; the energy and water budget by $1.6 billion; the Interior budget by $1.6 billion.

We are just starting. We are only partway through the appropriations process, and we have already cut $5 billion out of the Federal budget compared to last year. We expect to go up to about $21 billion.

What does this mean to Mr. and Mrs. Taxpayer of America? Roughly at this point about $50 per family in cuts already. We expect to get up in the neighborhood of $210 to $250 in cuts for the average American family. Those are real cuts. Those are cuts the people will notice. They are not the imaginary cuts the other side talks about.

PROGRAMS DESPERATELY NEEDED BY CHILDREN BEING CUT

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

Mr. ROEMER. Mr. Speaker, just this week Columbia University released a poll where they asked our Nation's children what is your biggest fear or concern in school today, in 1995?

Well, what would you guess they answered? Was it an equation in an algebra test? That would have been my biggest worry. No. Was it a biology test? No. Was it drugs in school? Yes.

By a 2-to-1 margin, our children are more worried about drugs in school than algebra, biology, or even guns in school. So what are we doing about that? What did the Republicans do with our Drug Free School Program, which has received bipartisan support through the years? They cut it by 60 percent; 23 million children are going to be cut off Drug Free School Programs.

Now, unless you have got a lobbyist around here, sometimes it means that you do not fair very well. Let's cut the space station. Let's cut B–2 bombers. Let's not cut something our children desperately need.

INTRODUCTION OF THE GOVERNMENT ACCOUNTABILITY ACT

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

Mr. MARTINI. Mr. Speaker, I rise today to express my concern over the Supreme Court's recent decision in Hubbard versus United States. In that decision the high court overturned a Federal statute that has been used to prosecute Members of Congress and others who intentionally and knowingly release false or deceptive information to Congress. The current law no longer is applicable to such situations.

As a former Federal prosecutor, I know that section 1001 of 18 U.S. Code is a critical provision of law, which protects the Federal Government from potential waste, fraud, and abuse.

That's why in response to the Supreme Court's decision, I have introduced the Government Accountability Act (H.R. 1678) which will extend the false statement statute to all three branches of the Federal Government.

If Congress fails to act, unscrupulous public officials, contractors, and private citizens will be able to engage in acts of fraud and misconduct against the Federal Government without fear of punishment.

Mr. Speaker, we are here to serve the American people not ourselves.

In closing, I urge my colleagues to cosponsor H.R. 1678 which brings accountability back to the Federal Government.

□ 1020

TAX BREAKS FOR THE WEALTHY

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

Mr. BROWN of California. Mr. Speaker, I have a modern day Robin Hood story to tell. Except this one, unlike the original story, does not have a noble ending. You see, the Robin Hood of Capitol Hill has it backward: He is stealing from the poor to give to the rich.

Of course, Republicans do not want to admit this. But how else can we describe the Republican plan to cut Medicare to pay for tax breaks for the wealthy?

Consider this: The median income of senior citizens in 1993 was about $15,000 for males and $8,500 for females. About 3.8 million seniors lived below the poverty level in that year.

It is this group of citizens—27 million of them—that will have about $1,060

per year in Medicare benefits taken from each of them in order to give 1.1 million of America's richest people a $20,000 tax break.

Now if the Republicans want to have a substantive debate about how to improve Medicare and rein in its costs to ensure future solvency, then let us have that talk. But the Republicans' current effort is not about that. It is about finding ways to pay for tax cuts for the wealthy under the guise of saving Medicare.

Mr. Speaker, Republicans are not so stealthy that their Robin Hood-in-reverse crusade will go unnoticed by seniors.

MEDICARE

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

Mr. LARGENT. Mr. Speaker, Medicare is not a Republican issue—it is not a Democrat issue—it is an American issue. Recently, a bipartisan group appointed by both Republican and Democrat administrations reported to the Congress that Medicare will go bankrupt within 7 years if we take no action.

I believe we must prevent bankruptcy by simplifying and strengthening Medicare. We must simplify the system so that Medicare patients can more easily understand the program. In addition, we must strengthen Medicare to make it financially safe and secure for both current and future beneficiaries.

We must work to ensure that senior Americans have the same rights to health care services as Members of Congress.

In response to critics who are already claiming that this reform is a cut in the Medicare Program, I say this is simply not true. By enacting these modest reforms, Medicare will continue to increase—just at a slower rate.

In fact, costs per beneficiary will continue to increase from $4,800 per participant in 1995, to $6,400 per recipient in 2002. Now you tell me, how is this a cut?

To play politics with this issue does not help in finding a solution to this problem. To do nothing is totally irresponsible, and unacceptable.

AFFIRMATIVE ACTION

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

Mrs. CLAYTON. Mr. Speaker, I want to commend President Clinton for his eloquent, thoughtful, and perceptive statement on a very sensitive and difficult subject—affirmative action.

The President outlined an approach to this issue which not only conforms to the state of the law, including the Adarand case, but takes into account the muddied history of discrimination in this Nation, and takes into account the concerns that some have raised about affirmative action.

I agree with the President that fraud and abuse, fronts and pass-throughs, in affirmative action programs should not and will not be tolerated.

I also agree with the President that reverse discrimination, quotas, and promoting unqualified individuals has no place in our society.

The President's words went a long way to begin the important process of healing in America—urging us to ''reach beyond our fears and our divisions''.

The President pointed out that, ''When affirmative action is done right, it is flexible, it is fair, and it works.''

While we begin to debate the issues surrounding affirmative action we must not get caught up in the political rhetoric and fervor that plays on fears and insecurities. We must focus on the realities and the meaningful, productive, work left to be done.

WHERE IS THE DEMOCRAT'S MEDICARE PLAN?

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

Mr. KIM. Mr. speaker, I would like to talk about Medicare this morning. Let us take a look at this chart closely. The red one is the existing plan which is leading to bankruptcy. The red one, bottom, is trust fund balance. As you can see, in the year 2002 the money will be totally depleted.

The blue one is the Republican plan. What we are trying to do is slow down the increase, slow down the rate of increase.

Right above is the green plan, which is the Clinton plan. As you can see, the Clinton plan, the Republican plan, there are not that many differences. The only difference is the Republican plan tries to save Medicare, which is 7 years, and the Clinton plan is stretching out to 10 years.

My colleagues from the other side are complaining and bashing and attacking us. Let us see what their plan is.

Here it is. Nothing. They have absolutely no plan, no idea, no vision, except attack and attack and bash. I think it is silly.

LET US NOT ROB OUR CHILDREN'S FUTURE

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

Mr. ENGEL. Mr. Speaker, there go our Republican friends again. First they cut Medicare to give tax breaks to the rich, and now they are cutting education, our children's future, to give tax breaks to the rich.

A subcommittee today is cutting $3.9 billion off education, robbing America's children. Goals 2000, setting education standards, cut; safe and drug-free schools, cut; chapter 1 funding to help our schools, cut; Eisenhower Program for teacher training, cut; and adult and vocational training, cut. And why? To give tax breaks for the rich.

What will this mean to middle class America? More students per class, and local and State property taxes increasing. Student loans were taken away from our children by the Republicans, and now, on top of Medicare, they are going to cut education again.

These are middle-class kids that are going to suffer. Eighty-nine percent of jobs created in this country require postsecondary training. What are the Republicans doing for that? Cut again.

We have a plan. It is a plan of compassion. Let us fix what needs to be fixed, but let us not cut and rob our children's future.

FRAUD IN MEDICARE

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

Mr. STEARNS. Mr. Speaker, Medicare was established to help our seniors, not to make unscrupulous companies wealthy at their expense.

Today I am talking about the fraud in Medicare. Listen to the items that ABC Home Health Care put on their Medicare tab: Maid service payments for condominiums; golf pro shop expenses; airplane and automobile expenses for personal trips; and lobbying expenses.

They use promotional and marketing gimmicks such as gourmet popcorn, golf tees, earrings, cufflinks, combs, and sewing kits to recruit new members.

This is not a club but a home health care service. We should all be concerned.

Taxpayers are footing the bill for these luxury items.

Money was no object because ABC Home Health Care put it on the Medicare tab. Medicare was billed to the tune of $14 million for just 1 year.

We cannot allow this to happen, this fraud to continue in the Medicare Program.

MEDICARE FRAUD AND ABUSE

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

Ms. ESHOO. Mr. Speaker, yesterday the GAO issued a report outlining charges against ABC Home Health Care for defrauding American taxpayers through the Medicare Program. The Democrats want to reform the Medicare system, but you do not do it by picking the seniors' health care pockets dry.

What we want to do is to scrap the tax break plan and stop this private sector ripoff of the public sector.

The GAO said that this Georgia company did do this: $140,000 for airplane costs; $21,000 for a pilot's salary; $16,000 for alcohol at a leadership conference.

Get this one: $84,000 for gourmet popcorn. My mother and father have never done this. This is, again, a ripoff by the providers and the private sector of the public sector. Scrap the tax break plan and stop picking at our senior citizens.

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

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule: The Committee on Banking and Financial Services, the Committee on Commerce, the Committee on Economic and Educational Opportunities, the Committee on Government Reform and Oversight, the Committee on International Relations, the Committee on the Judiciary, the Committee on Resources, the Committee on Small Business, the Committee on Transportation and Infrastructure, and the Permanent Select Committee on Intelligence.

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

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

Mr. MCNULTY. Reserving the right to object, Mr. Speaker, my colleague from New York is correct. We have consulted with the ranking members of these committees, and we have no objection to the request.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

PROVIDING FOR THE CONSIDERATION OF H.R. 2058, CHINA POLICY ACT OF 1995, AND HOUSE JOINT RESOLUTION 96, DISAPPROVING EXTENSION OF MOST-FAVORED-NATION TREATMENT TO THE PRODUCTS OF CHINA

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 193 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 193

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2058) establishing United States policy toward China. The bill shall be debatable for ninety minutes equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. The previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit. The motion to recommit may include instructions only if offered by the minority leader or his designee.

SEC. 2. After disposition of H.R. 2058, it shall be in order to consider in the House the joint resolution (H.J. Res. 96) disapproving the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of the People's Republic of China. The joint resolution shall be debatable for one hour equally divided and controlled by Representative Wolf of Virginia and Representative Archer of Texas or their designees. Pursuant to sections 152 and 153 of the Trade Act of 1974, the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except one motion to table, if offered by Representative Wolf or his designee. The provisions of sections 152 and 153 of the Trade Act of 1974 shall not apply to any other joint resolution disapproving the extension of most-favored-nation treatment to the People's Republic of China for the remainder of the first session of the One Hundred Fourth Congress.

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

Mr. SOLOMON. Mr. Speaker, for the purposes of debate only, I yield 30 minutes to the gentleman from California [Mr. BEILENSON]. During the consideration of this resolution, all time yielded is for the purpose of debate only.

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

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

Mr. Speaker, this rule was unanimously adopted by the Committee on Rules, and I am proud to say that the arrangement worked out by this rule was unanimously agreed to on a bipartisan basis by the principal parties involved with the legislation.

What the rule does is to first make in order in the House the bill, H.R. 2058, the China Policy Act of 1995, as introduced by the gentleman from Nebraska [Mr. BEREUTER].

The rule provides for 90 minutes of general debate, equally divided between the chairman and the ranking minority member of the Committee on International Relations. While we originally considered limiting this to 1 hour of debate, we expanded the debate time at the request of the bipartisan group that had negotiated a compromise with Mr. BEREUTER.

The rule further provides for one motion to recommit the bill, which, if containing instructions, may be offered by the minority leader or his designee. I would point out to my colleagues that this latter provision is in keeping with the new House rule adopted on January 4 of this year which guarantees to the minority the right to offer a motion to recommit with instructions, and I quote from rule XI, clause 4(b), ''if offered by the minority leader or his designee.'' That is what is contained in the House rules.

This is a guarantee we Republicans were denied on numerous occasions when we were in the minority but which we promised to give the minority if we became the majority.

Mr. Speaker, the rule goes on to provide that after the disposition of H.R. 2058, the House may proceed to the consideration in the House of House Joint Resolution 96, introduced by the gentleman from Virginia [Mr. WOLF], disapproving the extension of most-favored-nation status to the products of the People's Republic of China.

The rule provides for 1 hour of general debate, divided equally between the gentleman from Virginia and the chairman of the Committee on Ways and Means, the gentleman from Texas [Mr. ARCHER].

Pursuant to the terms of the fast track procedures, the previous question is considered as ordered to final passage on the joint resolution, except that one motion to table the resolution is in order, if offered by the gentleman from Virginia [Mr. WOLF] or his designee.

Finally, the rule provides that the fast track procedures of the Trade Act shall not apply to any other disapproval resolution relating to MFN for China for the remainder of this session of Congress.

Mr. Speaker, before I turn to the policy aspects of the measures before us, I just want to comment on the cooperation we have received from the parties on all sides of the issue involved here in crafting this rule. As I mentioned earlier, this was reported from the Committee on Rules on a unanimous vote, thanks to the gentleman from California [Mr. BEILENSON] who is managing for the minority. This was also due in no small part to the cooperation and compromise among all concerned that has taken place in crafting the legislative bill made in order by the rule.

I especially want to pay tribute to the gentleman from Nebraska [Mr. BEREUTER] for his open-mindedness and willingness to listen to other Members. I also commend the gentleman from Virginia [Mr. WOLF] and the gentlewoman from California [Ms. PELOSI] who have labored for so long in these vineyards, for their accommodating attitudes in reaching agreement on a consensus bill.

I would be remiss if I did not single out the distinguished chairman of the Committee on Ways and Means, the gentleman from Texas [Mr. ARCHER], and the ranking minority member of the committee, the gentleman from Florida [Mr. GIBBONS], and the Committee on International Relations chairman, the gentleman from New York [Mr. GILMAN], and the gentleman from Indiana [Mr. HAMILTON] for all their work on this issue.

Mr. Speaker, this is a good rule, a fair rule and a bipartisan rule that will enable us to debate the issues and vote on two distinct yet related propositions relating to the People's Republic of China. I hope that we will adopt this rule.

Turning now, Mr. Speaker, to the substance of the issue itself, I cannot avoid making the observation that two things have remained constant since the House began having this annual

China MFN debate 5 years ago. Those two constants are simply these: Our trade deficit with China keeps going up, and the conditions within China itself keep going down, keep getting worse.

Is there a single problem that troubles the United States-China relationship which has gotten better in the last 5 years? I ask all of my colleagues listening to this debate today to answer that question. Has anything gotten better since we debated this 1 year ago? The Chinese Communists' brutal disregard for human rights, how about that? The severe restrictions on freedom of speech, press and assembly and association, have they gotten better? Members know the answer. The continued denial of prison visits by international observers, has that improved? No. The continued jamming of Voice of America, still going on. The ongoing sales of missiles and weapons of mass destruction to terrorist regimes, still going on. The unrestrained use of prison labor in the manufacture of export products, in competition to the shirt that I am wearing, made by Americans in the United States of America, has that gotten better? No, it has gotten worse, and the proof is out there.

The massive military buildup, particularly in offensive weapons systems. I mention again, offensive weapons systems, which threaten the peace of the entire East Asian region.

Do my colleagues know that the People's Republic of China has more than doubled its defense budget in the last 5 years while other countries, like the United States of America and all of our NATO allies, all countries around the world have decreased their military spending?

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There is China's continued reliance on predatory trade practices, and I could just go on and on. To top it all off, the Chinese regime has arrested a man named Harry Wu, an American citizen, whose only crime was to tell the world the truth about China's gulag and the prison labor system. That is his only crime. Yet, he is being detained. God knows what is going to happen to him.

Mr. Speaker, the list of abuses goes on and on and on. Every one of these problems has gotten worse during a period of time in which China's exports to the United States have gone up, listen to this, have gone up 233 percent. And our trade deficit against China has gone up by a staggering 377 percent since 1989, and we sit here and allow this to continue to happen, putting Americans out of work.

That is what is wrong with giving an outlaw regime MFN status. The trade becomes a one-way street. In 1989, the year of Tiananmen Square, about 23 percent of China's total exports came to the United States, 23 percent. By last year, that figure had risen to nearly 37 percent, and yet the Chinese Communist regime continues to thumb its nose at everything our country stands for. America, the leader of democracy throughout the world, they thumb their nose at us.

I would just ask the proponents of MFN, when do the benefits start? When can we expect to see a change in Chinese behavior? The hometown newspaper of the gentlewoman from California [Ms. PELOSI] said it best.

A recent editorial in the San Francisco Examiner said that our current approach to China proves that ''Once you get rolled, it's easier to get rolled again. The Chinese have little reason to think the United States will make good on any threat,'' because we never follow through.

Continuing to read from the Examiner editorial: ''Instead of calling the shots, the United States is treated by the Chinese as a bothersome supplicant.'' Is that not something, this great Nation?

Continuing to read: ''Such back-of-the-hand treatment should not come as a surprise. For years now the United States has seen how China treats its own citizens.''

Mr. Speaker, I would simply close this portion of my remarks by noting that no Member of this body should be surprised by the current state of United States-China relations. If Members do not think about anything else today, I hope that they will at least ponder this: A China which is not at peace with its own people will not be at peace with the United States or any other country in the world. That is why human rights have to be at the center of the United States-China relationship, because American interests are ultimately inseparable from our American values. Anything and everything we do should be to promote those American values.

Mr. Speaker, we will be conducting the MFN debate this year under a different format from what we have used in previous years. The whole point of what this House will be doing today is to send a united and unmistakable message to China that the freely-elected representatives of the American people are putting human rights and American values back into the central focus of the United States-China relationship.

Reasonable men and women can have an honest disagreement over the relative merits of MFN, and there are good people on both sides of this argument, Republicans and Democrats alike. However, let there be no mistake about it, Members of this Congress are unanimous in our determination to see an end to the abuses that China's Communist regime is perpetrating on its own people and on the world at large.

Mr. Speaker, I ask all of the Members to think about this point as we debate this issue over the next 3 hours.

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

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

[As of July 19, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open [2]	46	44	36	72
Modified Closed [3]	49	47	12	24
Closed [4]	9	9	2	4
Totals:	104	100	50	100

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

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

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

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

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of July 19, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).

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

[As of July 19, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95)
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95)
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95)
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95)
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95)
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps.	A: 242–190 (3/15/95)
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95)
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95)
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95)
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95)
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95)
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95)
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95)
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95)
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95)
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95)
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95)
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95)
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95)
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95)
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95)
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95)
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95)
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95)
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95)
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95)
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95)
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps.	PQ: 236–194 A: 234–192 (6/29/95)
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95)
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95)
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95)
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95)
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	

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

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

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

Mr. Speaker, we support the rule. As my colleague on the other side of the aisle has indicated, this rule will provide for the debate on two measures, H.R. 2058, the China Policy Act of 1995, and House Joint Resolution 96, the resolution disapproving the extension of most favored nation treatment to the People's Republic of China. The rule allows 90 minutes of debate on the China Policy Act and also provides for 1 hour of debate on the resolution disapproving MFN to China.

This is not an unusual rule for this legislation, which has critical implications for United States policy toward China. In the past, the Committee on Rules has brought two measures to the floor under one rule. My colleagues on both sides of the aisle are in total agreement with the rules resolution, and many of my colleagues, including the distinguished author of the disapproval resolution, the gentleman from Virginia, Mr. WOLF, as well as the gentlewoman from California, Ms. PELOSI, and the gentleman from Nebraska, DOUG BEREUTER, have worked many hours to reach agreement on the proper legislative approach. They have done an excellent job. They deserve, as the gentleman from New York already has, they deserve to be commended. I am glad we will have a chance to debate this issue.

The Chinese have one of the worst human rights records in the world. Individual rights of people are routinely repressed. Scholars and intellectuals are imprisoned, and women are often forced to have abortions if they try to have more than one child.

In 1989 the world was horrified when the Chinese killed their own students at Tiananmen Square. Now, 6 years later, not much has changed. China continues to violate basic human rights of its own people, and those living in Tibet as well. It also routinely contributes to nuclear weapon and missile proliferation among terrorist states.

Many of us in the Congress believe that tough economic sanctions by the United States is the only way to convince China to stop its human rights violations. By denying MFN status and reversing China's $30 billion trade surplus, we may get some concessions. If the Chinese Government refuses to hear the protests of those who respect basic human dignity, perhaps it will listen if money is at stake.

We are glad Mr. Speaker, that we will have a chance to debate this issue and to bring the bill of the gentleman from Nebraska [Mr. BEREUTER] to the floor, the so-called China Policy Act, which addresses some of the serious flaws in our current policy toward China. Again we reiterate; we support this rule, and we urge our colleagues to join us in voting for it. It is a fair and a good rule.

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

Mr. SOLOMON. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. DREIER], the vice chairman of the Committee on Rules. Even though he and I disagree on this matter, he is an expert, and I will be interested in hearing what he has to say.

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

Mr. DREIER. Mr. Speaker, I thank the chairman of the Committee on Rules for his very kind remarks. As I look in the Chamber here, it was, believe it or not, exactly 1 year old today, July 20, 1994, that my colleague, the gentlewoman from California, Ms. PELOSI, my colleague, the gentleman from Virginia, Mr. WOLF, my colleague, the gentleman from New York, Mr. SOLOMON, the gentleman from Maryland, Mr. HOYER, the gentlewoman from Texas, Ms. EDDIE BERNICE JOHNSON, our colleague, the gentleman from Arizona, Mr. KOLBE, and the gentleman from Oregon, Mr. Kopetski, our former colleague, joined in the first bipartisan, bicameral debate on a very important question that came forward. That question was, should U.S. trade policy be used to enforce human rights?

I would say to my colleagues who participated in that, they remember very well that we had a difficult time determining exactly what the exact question was going to be. We all agreed, we all agreed that U.S. trade policy should be used to promote human rights, but we decided to take the negative position, that U.S. trade policy should not be used to enforce human rights. That is for a very simple and basic reason. I remain convinced that trade promotes private enterprise, which creates wealth, which improves

living standards, which undermines political repression.

If we look at the very serious challenges that lie ahead for the most populous Nation on the face of the Earth, a country which has five times the population of the world's only complete superpower, the United States of America, we clearly have an obligation to remain engaged.

Right here in the United States, we know full well that there are thousands and thousands of jobs that depend on our exports to the People's Republic of China. In fact, 360,000 jobs hinge on our exports, so clearly, cutting off trade with China would jeopardize economic growth right here in the United States.

Quite frankly, I believe that it is extraordinarily important for us to look at the gains which have been made in China over the past several years, since we worked to deal with this issue of engagement. As my friends here on the House floor know full well, I take a back seat to no one when it comes to demonstrating outrage at the issue of human rights violation.

The gentlewoman from California [Ms. PELOSI], and I joined with the gentleman from Virginia [Mr. WOLF] and others in marching, following the Tiananmen Square massacre from right here in the Capitol up to the Chinese Embassy to protest the Tiananmen Square massacre. The fact of the matter is we have to realize that if we are going to continue to deal with the improvement of human rights, there is nothing, nothing that we could do to jeopardize it in a greater way than to bring to an end, bring to an end the engagement policies that we have had over the past several years.

Mr. Speaker, last year I went with my father and traveled throughout China, and had fascinating experiences there. As I talked to people who worked, peasants and others, clearly they carried the strong message that as the old leaders of China fade from the scene, they do not want to see us leave their country economically devastated. It is for that reason that they encouraged us to maintain MFN with China.

As we also look at the situation which exists there, it is very clear that there are many things that we as a country can continue to do to improve the quality of life of the people of China. Just this week we received a letter from Jack Valenti, our friend with the Motion Picture Association of America, in which he talked about that to near record crowds; the movie ''Forrest Gump'' is playing in China. Let us think about the movie ''Forrest Gump,'' that great American drama, set with the backdrop of 20th century American history. What an amazing message to have moving throughout the country of 1.2 billion people living today under political repression.

My hometown newspaper, the Los Angeles Times, just this week had a very important article talking about individuals within China from all across the economic spectrum who are benefiting from the kind of engagement that we have going on today. The benefits have been very, very great: black and white TV's are even appearing in caves in China. When one thinks about that kind of exposure to the West, we are clearly, clearly on a path toward improving the situation there.

I hope very much that we will be able to now move ahead in a bipartisan way. This is a new day, because there is recognition that while we can never tolerate the reprehensible human rights violations, the violation of Harry Wu's rights and others' rights, we need to do everything that we possibly can to move ahead with this very important policy of engagement. I thank my friends for working in a very close bipartisan way with the gentleman from California [Mr. BEREUTER], and others to bring this about.

Mr. BEREUTER. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, that is music to my ears. I thank the gentleman from California [Mr. BEILENSON] from the Committee on Rules for being so generous in yielding, and also the chairman of the Committee on Rules, my good friend, the gentleman from New York [Mr. SOLOMON], for bringing this rule to the floor, and for his championing the cause of freedom throughout the world, and his relentless advocacy for human rights in China.

It is with a great deal of pleasure, Mr. Speaker, that I rise in support of the Bereuter legislation, H.R. 2058, which is designed to move United States-China policy in the right direction by sending a strong message to the Chinese Government that the United States Congress is concerned about human rights in China and Tibet.

I have been pleased to work in this endeavor with my distinguished colleague, the gentleman from Virginia [Mr. WOLF]. With all due respect to the previous speaker, the gentleman from California [Mr. DREIER], we should all take a back seat to the gentleman from Virginia as an advocate for human rights throughout the world, in his advocacy for human rights. Mr. WOLF is an inspiration to this Congress, and it is a privilege to work with him.

I was particularly pleased that the leadership of this Congress, the office of the Speaker, and of the Democratic leader worked to help us merge our bills, forge a compromise under the leadership of the gentleman from California [Mr. BEREUTER], and I am grateful to him for his leadership and his receptiveness to our ideas.

As many Members know, and I address the mechanics of this because we are on the rule, as many know, we had three options out there. We had the motion offered by the gentleman from Virginia [Mr. WOLF] for total revocation; we had the legislation of the gentleman from California [Mr. BEREUTER]; and we had the Wolf-Pelosi legislation, which we believed was the strongest possible message on human rights for this Congress. We have, I think happily, been able to merge the Bereuter bill and the Wolf-Pelosi bill into the product we have here.

Indeed, we were very pleased to have many of the provisions in the bill of the gentleman from Virginia [Mr. WOLF] and the bill of the gentleman from California [Mr. BEREUTER], but I commend the gentleman from California for having initiatives that were even stronger than some of ours and with which we were very pleased to associate ourselves.

As with any compromise, some people may not be happy with it, but as I say on this China issue, if it is good enough for the gentleman from Virginia [Mr. WOLF] it should be good enough for the rest of us.

Why is it that we need to come here again to discuss this issue and to present a policy for China in the Congress of the United States? Our colleagues who have spoken before me, the gentleman from New York [Mr. SOLOMON] taking the lead, have spoken of some of the concerns that this Congress has with China. They fall into three categories, by and large: human rights, proliferation of weapons of mass destruction, and, obviously, unfair trade practices; and MFN is related to trade. It is appropriate that we are here.

The reason this debate comes up annually, and the gentleman from California [Mr. DREIER] said we were 1 year talking about this, 1 year to the day, is because the President must request a special waiver to grant MFN to China; hence, the proposed motion of the gentleman from Virginia [Mr. WOLF] to deny the President's request.

In those three areas of human rights, trade, and proliferation, in this past year there has been no progress. Indeed, the Chinese continue to violate international standards and norms, and the missile technology control regime, in transferring technology to Pakistan, to Iran, and making the Middle East a very dangerous neighborhood, as well as the world a less safe place.

If there were no other consideration, the issue of the proliferation of nuclear technology to unsafeguarded countries would be enough reason for us to deal with this MFN issue on this floor. What is dismaying about all of this is that instead of addressing this issue, the Clinton administration on June 30—this notice was in the CONGRESSIONAL RECORD on June 30: ''Notice of termination of the suspensions of licenses for the export of cryptographic items to the People's Republic of China—Message from the President.'' It is in the June 22, 1995, CONGRESSIONAL RECORD. I have it available for our colleagues.

This is all to say, Mr. Speaker, that there is a double standard with this administration when it comes to China.

We have defined Iran as a rogue country. We have made a strong point of saying we will not trade with them. We have chastised, and more, Russia for their trade with Iran.

We have looked the other way when China has done the same, and indeed, and indeed, in the same time frame, we have lifted—the President has gotten a blanket waiver against the prohibition of sale of encryption technologies to China. This is, I think, a big mistake. The human rights violations continue, highlighted, of course, by the arrest of Harry Wu, a champion of democracy, a scholar at the Hoover Institution at Stanford University, a distinguished American, an internationally recognized champion of human rights, and his release must be immediate, as the bill calls for.

However, I would also like to say that Harry's plight is not only that of an individual, but representative of the thousands and thousands and thousands of people who are in prison labor camps in China who Harry's advocacy was for. He had been arrested for 19 years for criticizing the Soviet invasion of Hungary. He knew of what he spoke in terms of brutality in slave labor camps. It continues. His telling the truth about that has landed him in a Chinese jail. As an American citizen he deserves our fullest support. I urge our colleagues to avail themselves of our yellow ribbons on his behalf.

He is not the only one, obviously, in prison that we are concerned about. There are thousands who are; in particular, Wei Jing Cheng, Bao Pong, Chen Zeming, some of the champions of Chinese democracy. Indeed, in the last few months, many leaders and intellectuals in China have been arrested for merely signing petitions asking for an end of corruption and more democratic reforms in China. Obviously, my colleagues know I could go on all day about the violations of human rights in China.

On the subject of trade, when we first started this debate in 1989, for that year, for 1989, China had a $6 billion trade surplus with the United States. That means, as Members know, within our trade relationship they profited by $6 billion. This past year, it was $30 billion. It went $6, $9, $12, $18, $24, $30. This year it will be closer to a $40 billion trade surplus, inching closer year by year to the same kind of deficit that we have with Japan, but absent the same kind of allowing of products into their markets that even Japan does. Then Members know what our complaint is with Japan.

I do not want to bring up the issue of Taiwan in terms of recognition, but just in terms of this one figure. In China there are 1.2 billion people. In Taiwan there are approximately 19 million people, and Taiwan imports from the United States twice as much as mainland China imports from the United States, so the trade issue must be addressed, not only in terms of slave labor and violations of trade agreements, but in addition to the lack of market access for American products into China, which is also a trade violation.

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What does the administration do? The administration not only gave them MFN but this past January gave the Chinese the same trade privileges, reductions in tariffs, that World Trade Organization members have, even though China is not a member of the World Trade Organization and living up to any of the standards or requirements of the WTO.

Again, our concern is with China. The disappointment is with the administration in the way they respond to human rights, trade and proliferation violations.

This China Policy Act that the gentleman from Nebraska [Mr. BEREUTER] has authored establishes a framework for diplomatic relationships between the United States and China. It calls upon the President to undertake intensified diplomatic initiatives to persuade the Chinese Government to unconditionally and immediately release Harry Wu.

The provisions of the legislation are available to our colleagues, but since it is new I will just touch on a few:

Adhere to prevailing international standards regarding proliferation of weapons of mass destruction, including halting the export of ballistic missile technology and the provision of other weapons of mass destruction to Iran, Pakistan, and other countries of concern; respect internationally-recognized human rights—we know what they are—press, freedom of religion, assembly, et cetera; releasing all political prisoners and dismantling the Chinese gulag and forced labor system; ending coercive birth control practices; respecting the rights of the people of Tibet and ethnic minorities; curtailing excessive modernization and expansion of its military capabilities. It goes on to more on that.

Adhere to rules of international trade regime; comply with the prohibition on all forced labor products coming into the United States; and reduce tension with Taiwan through dialog and confidence-building.

The bill specifies the administration should undertake diplomatic initiatives bilaterally with China and multilaterally in the United Nations, the World Bank, the World Trade Organization and in our bilateral relations with other countries.

In order to hold the President accountable for undertaking these initiatives, the bill requires a report to Congress within 30 days of enactment and at least every 6 months thereafter.

H.R. 2058 also places Congress firmly on the record in support of the pro-democracy movement in China. For the first time we commend the men and women working in the democracy movement, particularly those people who so bravely petitioned the Chinese government for the promotion of political, economic and religious freedom.

Finally, the Bereuter bill requires the administration to get Radio Free Asia up and running. This important initiative has been stalled for too long. The bill mandates that within 90 days of enactment, Radio Free Asia shall commence broadcasting to China.

I urge my colleagues to give a strong vote on the Bereuter bill, on the China Policy Act, because it will allow the United States Congress to send a unified message to the Chinese government that its continuing violations of internationally recognized human rights are not acceptable.

The reason that I am pleased with this bill and one of the reasons I support the bill is because it does hold the President accountable. Last year when the President did not abide by the Executive order he had issued the year before, he instead proposed some initiatives, a code of conduct for businesses, funding for Radio Free Asia. The list goes on and on. The fact is that the adherence to it was zero.

It is important, I think, for us to hold the administration accountable. A vote for the China Policy Act will do that. I think it is very important for this Congress. We have been engaged in advocacy for a long time. We will always be engaged in advocacy for the causes of concern to us. But absent a coherent China policy that maybe the State Department proposes, the Commerce Department appears to dispose, I think it then behooves the Congress to set forth a framework that will have a positive impact on our relationship with China.

I think the message should be very clear that a prosperous, strong and democratic China is in the best interest of the United States. We look forward to a great future with the Chinese people, but in doing so we want to do it on the basis of recognition of international norms and indeed norms that the Chinese government has signed on to but has not abided by.

By supporting the Bereuter bill, we can speak with one voice on behalf of those fighting for freedom in China. I urge my colleagues to vote for the bill.

In closing, I wish once again to commend my colleagues on that side, the gentleman from New York [Mr. SOLOMON], the gentleman from Virginia [Mr. WOLF], and particularly in this case the gentleman from Nebraska [Mr. BEREUTER] for his leadership in bringing this legislation to the floor. I once again thank the leadership of the House for accommodating our concerns.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

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

Mr. TRAFICANT. Mr. Speaker, I am not here today to talk about Harry Wu or Tiananmen Square or human rights. Those issues should be addressed. But I

think commerce and trade should be looked at in a little bit of a different vein here, folks.

Let me say this: America does not need to go bankrupt trying to effect some social reforms in China.

Let us look at the record. China has been convicted of dumping in American markets, placing phony ''made in America'' labels on cheap Chinese imports, violating international prison labor law, violating United States copyright law, closing Chinese markets, and that is only the tip of the iceberg. Their average wage is 17 cents an hour. They still employ slave labor.

Let us look at some facts. Right now China enjoys a one-way street, a $37 billion trade surplus with America, second only to Japan. At least Japan makes us some promises. China makes us threats. China says if you mess with MFN, they will crack down on soybeans, corn, aircraft, grain. They will not tolerate it. Unbelievable, ladies and gentlemen.

I believe that a Congress that will allow China to dictate trade terms is the same Congress that has destroyed many American jobs.

Let us talk some business. How do you compete with foreign imports with a wage factor so limited and low? Then they rip off our markets illegally and we extend the red carpet treatment, talking about all the great business we are going to attain.

This is a dream world. The Constitution is very clear on this: Congress shall regulate commerce with foreign nations. One of the main problems financially in America is the Congress of the United States talking about balanced budgets and all of these other sideline issues and missing the whole boat. You cannot balance the budget of the United States buying much more than you sell. That is what we are doing, and it is our trade problem, folks.

I am going to oppose any more most-favored-nation trade status for China for one reason: They do not deserve it. It is time to regulate trade with China.

One last thing, ladies and gentleman. We are either going to take on the trade issue in America or we will continue to have huge budget deficits and tremendous loss of jobs. You cannot separate them.

Mr. SOLOMON. Mr. Speaker, I yield 3½ minutes to the gentleman from Florida [Mr. DIAZ-BALART], another outstanding member of the Committee on Rules who formerly served on the Committee on Foreign Affairs and is certainly very knowledgeable on this issue.

Mr. DIAZ-BALART. Mr. Speaker, I thank the gentleman, the chairman of the Committee on Rules, for yielding me the time.

Mr. Speaker, I want to thank our distinguished colleagues who have worked so diligently and so exhaustively on this issue: The gentleman from Nebraska [Mr. BEREUTER]; of course the gentleman from Virginia, [Mr. WOLF], the tireless champion for human rights throughout the world; the gentlewoman from California [Ms. PELOSI] who has distinguished herself in her career for her advocacy on behalf of democracy and human rights in China; the gentleman from New York [Mr. SOLOMON], my chairman and dear friend; the gentleman from New Jersey [Mr. SMITH] who is here and who has worked so tirelessly on this issue as has the gentleman from Illinois [Mr. HYDE] and others.

Mr. Speaker, this is a fair rule. I rise in support of it. I would prefer today to see a vote on the denial of the extension of MFN to China. But I will support the Bereuter legislation. I think it is a fair, well-thought-out piece of legislation.

What we are dealing with, Mr. Speaker, here today on this issue really I think is related to the following question: What is the goal, or what should be the goal of our public policy? The maximization of profit for our businesses at all costs, even at the cost of ignoring, of not even mentioning the Orwellian nature of the Chinese regime?

I know, Mr. Speaker, the geopolitics involved when we analyze China. I know that China is the historical adversary of Russia, and I know the size of China and the great number of human beings that reside there.

May I recommend to our colleagues the book by our colleague, the gentleman from North Carolina [Mr. FUNDERBURK], written with regard to his experience when he was United States Ambassdaor to Romania under Ceausescu, his brilliant synthesis of how those rogue regimes look to most-favored-nation status as legitimization of their conduct. They know who they are, but they want to be told by the leader of the free world, the United States in effect, and we do that with MFN, ''You're normal. We are ignoring your rogue status. We are ignoring the nature of your brutality.''

That is what MFN is. When we deny MFN, there are no tariffs involved. It is simply a political statement which tells rogue regimes, in this case the Chinese regime, that they are not what they really are. That, in effect, is what MFN is.

I think that we have to realize and ask this question about ourselves: Are we willing to go through the trouble of at least mentioning, of at least telling the tyrants in China, ''We know who you are'' or ''We know your genuine nature.''

''We know that you murder prisoners and that you sell their organs. We know that you use slave labor. We know that you force women to have abortions.''

By not extending MFN, we would simply be telling the Chinese tyrants, ''We know who you are and we're telling the world who you are. Recognizing the geopolitics, which we are not ignoring, we're telling you who you are.''

I wish that we would have that vote today. If not, I think we are making at least some progress with the well-thought-through and negotiated legislation presented by the gentleman from Nebraska [Mr. BEREUTER]. But this is an issue that will not go away until China truly is normal. Then we can tell the world community they are not a rogue regime. They are normal.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, we should not be timid in using trade with the United States to stand up for human rights. This Nation has stood tall, sometimes alone, for the rights of people around the world against some very strong governments.

Some of the proudest moments in the history of this Nation were when we watched Soviet emigres settle in new homes around the world. We saw the destruction of the Berlin Wall, the historic elections in South Africa, knowing full well the role that we played in the United States to bring about these historic moments.

Trade was a critical tool in those changes. MFN and denying it to the Soviet Union played a critical role in the actions of the Soviet Union in Eastern Europe. Trade sanctions against South Africa was a critical tool in bringing about the changes in South Africa.

The current conditions in China, as it relates to respect for human rights, is outrageous. We should not be timid in taking economic action as it relates to China. It will work. China, as the Soviet Union of the pre-1990's before it, should not be granted unrestricted MFN. We should stand tall for human rights against these nations. It will work.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, I thank my friend and colleague for yielding me the time.

Mr. Speaker, I strongly support this rule. I want to thank the gentleman from New York [Mr. SOLOMON], the chairman, the gentleman from Virginia [Mr. WOLF], the gentlewoman from California [Ms. PELOSI] and the gentleman from Nebraska [Mr. BEREUTER] for all their good work. We must send a very strong message to China.

Mr. Speaker, we must send a strong message to China. We must let China know that if they want to join the community of nations, they must treat their people with respect and dignity. We must tell them that selling arms to Iran, a terrorist nation, is unacceptable.

Harry Wu's arrest is only the most recent reminder of China's longstanding human rights abuses. We cannot forget the day the tanks rolled into Tiananmen Square. Terrible human rights abuses continue to this day.

Political prisoners in China and Tibet are brutally tortured. Religious leaders are imprisoned. Democratic reformers are jailed. There is no freedom

of speech, no freedom of press, no freedom at all.

We have a moral obligation and a mandate to tell China to change its ways. As a Congress and as a nation, we cherish freedom, and we must speak out.

We cannot stand by while China stifles dissent and disagreement. We cannot stand by while the Chinese Government tortures its prisoners. We cannot stand by while China exports goods made in slave labor camps. We cannot stand by while China detains an American citizen, Harry Wu, and threatens him with the death penalty.

I truly believe that if you do not stand for something, you will fall for anything. We cannot have trade at any cost. We must not let the democracy movements in China and Tibet fall. We must stand with the people who are fighting for freedom. I urge my colleagues to support this Rule.

□ 1115

Mr. SOLOMON. Mr. Speaker, I yield 4½ minutes to the gentleman from New Jersey [Mr. SMITH] who has been one of the leaders for human rights throughout this world for many, many years in this body, and we just admire and respect him so much.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, let me say that the gentleman from New York [Mr. SOLOMON], especially on the issues related to China, has been a stalwart and it is so good to be working with him and the gentleman from Virginia [Mr. WOLF] and the gentlewoman from California [Ms. PELOSI] and many others.

China is one of the worst, most egregious abusers of human rights in the world today. In report after report issued by our own State Department, and numerous human rights organizations, examples of wide-ranging abuses of human rights indicate that no aspect of human life is free from the repressive and the insidious control of the butchers of Beijing.

Mr. Speaker, last year, a year and a half ago, I thought the President had it right. He issued an Executive order. He laid down very clear, nonambiguous markers. Significant progress in human rights had to be achieved or MFN was a goner. He stated this and made very, very much about it. As a matter of fact, during his race for the Presidency, he accused Mr. Bush of coddling dictators.

But I am very sorry to say that as we saw a deterioration of the human rights situation in China and a significant regression, this President, Bill Clinton, blinked. He did a complete flip-flop, backed off a very principled stand, and then coddled the dictators, the very butchers of Beijing that he was so rightfully critical of during the campaign and during the early months of his Presidency.

It is shameless. The situation in China on religious freedom has gotten significantly worse. Li Peng issued two sweeping decrees, 144 and 145, to crack down on the house church movement and on the fledgling Catholic church in the People's Republic of China. One could be part of the officially government-sanctioned, government-run church, but if they dared to worship God and read their Bible in their home, or assemble to praise God, they are going to have their door broken down and the public security police are going to yank them off to prison for interrogation and for beatings.

The situation of Harry Wu, I think, crystallizes what is going on in China today. Here is a man who spent 19 years in the Laogai, was in the gulag system, faced unbelievable repression, the use of hunger as a means of torture.

He spoke at a subcommittee hearing. I am the chairman of the International Operations and Human Rights Subcommittee, and Harry and other survivors of the Laogai system came forward and talked about their terrible experiences in that gulag system. Many of those products which end up in our stores. They are being sold in our supermarkets and in our stores across the country.

We have what we call a memorandum of understanding with the People's Republic of China, to check out the use of gulag labor for export, and it is a farce. They do not allow us access to those. The gentleman from Virginia [Mr. WOLF] and I went to Beijing Prison No. 1 and saw socks and jelly shoes being made, but it was one of those rare instances when we were actually able to see what was being made with prisoners and other people who were held in incarceration.

Harry Wu, Mr. Speaker, should tell us all what can happen when an American citizen traveling on a duly issued visa and passport, is held incommunicado and denied access by our own Embassy, against all the rules, and now continues to languish in China against his will. It tells us that the human rights situation is abysmal.

He has been a tremendous witness to the sorriest state of human rights in China and, thankfully, we are today beginning to bring some focus on what is actually occurring there.

On the issue of forced abortion, Mr. Speaker, which I know Members have heard me talk about since 1979 when it was first initiated in that country, just the other day I received a letter from a woman in China who heard me talking about it on Voice of America and she wrote me this letter: ''I've been hesitating to write you until today. At the end of May I heard a report on V.O.A. about your concern over China's cruel policy of forced abortion.''

''As a Chinese woman who has just been forced to have an abortion at that time, I really agree with you. What is a real woman without the personal right to have one more child, especially when she is expecting a baby and obliged by the state to kill that baby.''

Mr. Speaker, she went on to say, ''Considering human rights in China, we suffer more than any other countries, if we don't have the right even to get birth to a baby. What's the use of any other rights? Please don't mention my name in public since I could be severely punished.'' And she went on in her letter to talk about what some of her friends have gone through.

Mr. Speaker, on gulag labor, on religious repression, on forced abortion, all of these human rights abuses, the Tiananmen Square and other dissidents who continue to be rounded up. Wei Jing Cheng, who met with Assistant Secretary John Shattuck and 2 weeks later was dragged into prison. Here is the hero to the Democracy Wall movement who had the audacity to meet with the Assistant Secretary for Human Rights. He met with me 2 weeks earlier in Beijing and because he met, he was dragged off and we have not heard from him since.

This is a very cruel regime, Mr. Speaker. To be dealing with the Chinese today, and to act as if there is nothing going on human rights wise, is like dealing with the Nazis back in the 1930's. This is a cruel dictatorship. Let us not forget that. Their people do not have rights.

And when we talk about empowerment, empowerment has not worked. Yes, trains may run on time and we may be having this robust trading relationship, but they have had regression in human rights. They have gone in the opposite direction. Rather than liberalization, they have become more repressive.

There is a compromise piece of legislation that will be offered. I think it is a good start. I would have hoped that we would have revoked MFN. The President shamelessly delinked it, after making all the right noises for months. He delinked it when human rights got worse in China. For years to come, that will be seen as one of the worst decisions this President has ever made and another indication of the vacillation of the Clinton Presidency.

Mr. Speaker, I urge Members to vote for the Bereuter legislation. I do think it makes a strong statement. Radio Free Asia is needed now more than ever and language in this legislation admonishes the President to do that. It is a good bill. We could have had better, but I urge support for it.

Mr. HALL of Ohio. Mr. Speaker, I yield 5½ minutes to the gentleman from Connecticut. [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, we have today an opportunity to take a small step forward on behalf of human rights for the people of China. In is a very small step. It takes very little courage on our part, for we risk nothing, either economically or our own personal freedom.

There is must more that has to be done. For people listening to this debate, it must often be difficult to reconcile a country of a billion people with a focused discussion on only one

or two individuals: Harry Wu, an American citizen who had all the proper documents to enter China, sitting in prison; a handful of others that are occasionally mentioned.

What we do here today, and focusing on Harry or one or two others, it to try to get across to people what is going on today in China. I first met Harry Wu 3 or 4 years ago. He came to testify about slave labor and prison labor. He had with him a hidden camera as he met with Chinese officials.

Posing as an American businessman, Harry asked how could he be guaranteed the quality that he wanted in his products being made in a prison. In a free market, in a factory where workers come voluntarily, their pay and benefits have an impact on the product. But he asked, how could he be guaranteed the product make by people who were enslaved by the Chinese government could have that quality? And the Chinese official, on camera, took her hands and said, ''We beat them. We beat them.''

American consumers are out here today purchasing products made by men and women who are in prison and beaten to keep up the quality that international corporations demand of the products they sell across the globe.

We are going to take a small step here today, but there is an opportunity for American citizens to take a much larger step in the message to the Chinese tyrants.

When you buy something, take a look at where it is made. If you have an opportunity to buy something made in the United States or a country that respects human rights, make the purchase from that country. There are products at the same price. New Balance sneakers made in the United States cost the same as those sneakers made by people enslaved in China. Buy the American product.

If the Chinese officials see their percentage of sales in the United States drop, we will not have to wait for a Congress or an administration to take sufficient steps to get that message across to the Chinese Government.

We, as citizens in this country, together have the ability to have an impact on the policies within China. The tens of billions of dollars worth of products that are sold in this country each and every year provide the financing to sustain their system of government.

Together, we can make that difference. Every time you go out to the store, take a look at where the product is made. If the product is made in a country that oppresses human rights, as China does, try not to buy that product. Maybe you cannot make it 100 percent of the time. If you do it once in a while, if you do it twice, whatever time you can do that, you will help people like Harry Wu who have risked their lives to take this action.

When I grew up as a young man, I was told of an old Polish lady who saved my father's life. My father, a Lithuanian Jew at the time, was hiding from the Nazis. The borders have moved so often, it is hard to tell. It was Poland at that time; today it is Lithuania.

She took this man in at risk of losing their eight children. When I think of courage, I think of this woman. To save an individual's life, not a family member, she risked not only her own life, but she risked the lives of her eight children.

That courage that is asked of us here on this floor as American citizens does not come to the same chart even. We are protected by civil rights and civil liberties. We live in the greatest democracy in the world. But together we can help, without risk, the lives of those today imprisoned in China.

Join us in boycotting Chinese-made products. Write to legislators and senators who oppose the Chinese Government's continued oppression, and we will make a small difference in the lives of Chinese citizens. A billion people in China have a right to expect that they can live with some dignity and without oppression from their own government.

Today we in the Congress will make a small step in sending a message to the Chinese Government. The American citizenry together can send a much larger message. Let us not forget Harry Wu and the millions like him in China. Let us stand together for freedom and individual rights. Let us not forget the heroes of Tiananmen Square. Let us do our small part in fighting for freedom.

□ 1130

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from Illinois [Mr. MANZULLO], a member of the Committee on International Relations.

Mr. MANZULLO. Mr. Chairman, the Bereuter resolution moves this country in the direction of putting additional pressure on China in terms of human rights violations. We can do that, and we can also have MFN status with China.

This country exports more than $9 billion a year of goods to China. That is close to 200,000 jobs in this country. If we do not have MFN status with China, that will be only one of eight countries with which we have no MFN status with in the entire world.

Last year, I spent an entire day with Counsel General Wang Li from China in the 16th district in Illinois, which has 1,500 factories. He told me there are 300 cities in China that have in excess of 1 million people. Seventy-five percent of those cities do not have an airport, and he said that China is in the process of building over 200 airports. This is the time to expand our trade with China.

Look what happened this past week. China signed a $1 billion agreement with Mercedes-Benz in a joint partnership to build the minivan in China. That could have been signed with Chrysler, and I hope one day eventually that will happen. What we have to do is to keep open the channels of communication.

To deny MFN status would be to close that avenue.

President Nixon said in a letter to President Bush in 1989, that ''in the current emotion of the moment our nations seem to be forgetting an important point: A modernized, unified, and effectively governed China that has good relations with us is by far the preferred solution for advancing American security interests in East Asia.'' It was true in 1989; it is true in 1995. Let us move forward and recognize that 60 percent of all world trade is occurring in the Pacific rim.

Mr. SOLOMON. Mr. Speaker, as I yield to the next speaker, let me thank the gentleman from Ohio [Mr. HALL]. He has taken over on his side of the aisle as the manager of this rule. He is truly one of the outstanding Members of this body, who has stood up for the oppressed people around this entire world. And we admire him and respect him as well.

Mr. Speaker, I yield 3¾ minutes to the gentleman from Virginia [Mr. WOLF], the gentleman who has led the fight for human rights all over this world.

Mr. WOLF. Mr. Speaker, I want to personally thank the gentleman from New York [Mr. SOLOMON] for his faithfulness over the years; also the gentlewoman from California [Ms. PELOSI] for her faithfulness on this. She was like Margaret Thatcher on this, and I also want to thank the gentleman from Nebraska [Mr. BEREUTER] for his willingness to kind of work this out, and I want to thank the Speaker personally because his involvement made a difference.

So much I want to say. I tell the gentleman from Illinois [Mr. MANZULLO] that, if we had traded with Hitler, I do not think it would have made any difference, and I went to the Holocaust Museum and saw the documents where they said it would just have more business with Hitler, he will change, and he did not change.

There is a lot bad going on in China. This is a good resolution, it is a good bill, and I support it, but keep in mind, I will tell the gentleman when he talks about business, there are Catholic priests in jail that we now have in jail in China. How much business is it worth for our Catholic priest to be in jail? There are Protestants who have been arrested in church. How much money in trade and factories is it worth for that American? Harry Wu, an American prisoner, is in jail. They have more gulags and slave labor camps.

The gentleman met with a Chinese counselor. How about going into slave labor camps? That is the problem. When our people go to China and meet, they have dinner with Li Peng. They do not go into the house churches and into the slave labor camps.

Do not forget they are trading nuclear weapons with Iran and Iraq. Do not forget the missile violations, the chemical war violations. Do not forget they are plundering Tibet. Do not forget they have arrested the men and women connected with the Dalai Lama. There are a lot of bad things that China has done, and we should recognize this.

Although this resolution is good, because it finally gets the Congress in a bipartisan way to come together, my last comment is this:

People talk about MFN. We would not have granted MFN to the Soviet Union. When Shcharansky was in Prime Camp 35, we would not have granted MFN to the Soviet Union, and both sides know it. When Sakharov was under house arrest in Gorky, we all stood together, Republicans, Democrats, Liberals, and Conservatives, because there was pressure to do it, and God bless Ronald Reagan, and where is he when we need him now? He stood firm and called them the Evil Empire. We would not have granted MFN to Czechoslovakia when Havel was under arrest. No way we would have done it. A Member would have been embarrassed to come down to the floor and say, ''Havel is in jail, let's give him MFN.''

And I thank the gentleman from Georgia [Mr. LEWIS], who is not here. We would not have lifted sanctions and done anything for South Africa when Nelson Mandela was in.

So this is a good resolution. It puts the Congress on record. But let us not drip with sour grapes and say China is going to build all these airports, and they are going to do all these wonderful things.

How about what the gentleman from Ohio [Mr. TRAFICANT] and the gentlewoman from Ohio [Ms. KAPTUR] will tell us? We have lost millions of jobs, millions of jobs.

This is a trade issue. Their imbalance is almost $40 billion, a trade imbalance. We have lost a million jobs. It is a slave labor issue. It is a persecution of religious faith, Catholic, Protestant, Buddhist. It is all these other issues. They sold weapons to Iraq that were used against American men and women to kill people in the gulf.

Having said that though, I just did not want the reports to go off that everything was wonderful. Having said that, the Bereuter resolution is a good resolution, and it is my prayer that we could come together and solve this problem. Every night I pray that China, in my prayers that China, will be free, and hopefully with the work that the gentleman from Nebraska [Mr. BEREUTER] has done and coming together, we put pressure on, there will be freedom, and 10 years from now there will be freedom in Tiananmen Square, freedom in China, and democracy, and I want to again thank the gentleman from Nebraska [Mr. BEREUTER]. I will be eternally grateful to the Speaker for his help, the gentleman from New York [Mr. SOLOMON] for his faithfulness, and the gentlewoman from California [Ms. PELOSI] for her doggedness in staying with this issue.

The SPEAKER pro tempore (Mr. EMERSON). The gentleman from New York [Mr. SOLOMON] is recognized for 15 seconds.

Mr. SOLOMON. Mr. Speaker, let me just say this rule was negotiated with the minority, the Democratic and Republican leadership. It is a good rule, it is a fair rule, and I hope Members come over here and vote for it. As a matter of fact, I hope there is not even a recorded vote on it.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CHINA POLICY ACT OF 1995

Mr. BEREUTER. Mr. Speaker, pursuant to House Resolution 193, I call up the bill (H.R. 2058) establishing United States policy toward China, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of H.R. 2058 is as follows:

H.R. 2058

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 ''China Policy Act of 1995''.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The People's Republic of China comprises one-fifth of the world's population, or 1,200,000,000 people, and its policies have a profound effect on the world economy and global security.

(2) The People's Republic of China is a permanent member of the United Nations Security Council and plays an important role in regional organizations such as the Asia-Pacific Economic Cooperation Forum and the ASEAN Regional Forum.

(3) The People's Republic of China is a nuclear power with the largest standing army in the world, and has been rapidly modernizing and expanding its military capabilities.

(4) The People's Republic of China is currently undergoing a change of leadership which will have dramatic implications for the political and economic future of the Chinese people and for China's relations with the United States.

(5) China's estimated $600,000,000,000 economy has enjoyed unparalleled growth in recent years.

(6) Despite increased economic linkages between the United States and China, bilateral relations have deteriorated significantly because of fundamental policy differences over a variety of important issues.

(7) The People's Republic of China has violated international standards regarding the nonproliferation of weapons of mass destruction.

(8) The Government of the People's Republic of China, a member of the United Nations Security Council, is obligated to respect and uphold the United Nations Charter and Universal Declaration of Human Rights.

(9) According to the State Department Country Report on Human Rights Practices for 1994, there continue to be ''widespread and well-documented human rights abuses in China, in violation of internationally accepted norms...(including) arbitrary and lengthy incommunicado detention, torture, and mistreatment of prisoners.... The regime continued severe restrictions on freedom of speech, press, assembly and association, and tightened control on the exercise of these rights during 1994. Serious human rights abuses persisted in Tibet and other areas populated by ethnic minorities.''.

(10) The Government of the People's Republic of China continues to detain political prisoners and continues to violate internationally recognized standards of human rights by arbitrary arrests and detention of persons for the nonviolent expression of their political and religious beliefs.

(11) The Government of the People's Republic of China does not ensure the humane treatment of prisoners and does not allow humanitarian and human rights organizations access to prisons.

(12) The Government of the People's Republic of China continues to harass and restrict the activities of accredited journalists and to restrict broadcasts by the Voice of America.

(13) In the weeks leading to the 6th anniversary of the June 1989 massacre, a series of petitions were sent to the Chinese Government calling for greater tolerance, democracy, rule of law, and an accounting for the 1989 victims and the Chinese Government responded by detaining dozens of prominent intellectuals and activists.

(14) The unjustified and arbitrary arrest, imprisonment, and initiation of criminal proceedings against Harry Wu, a citizen of the United States, has greatly exacerbated the deterioration in relations between the United States and the People's Republic of China, and all charges against him should be dismissed.

(15) China has failed to release political prisoners with serious medical problems, such as Bao Tong, and on June 25, 1995, revoked ''medical parole'' for Chen-Ziming reimprisoning him at Beijing No. 2 Prison, and Chinese authorities continue to hold Wei Jingsheng incommunicado at an unknown location since his arrest on April 1, 1994.

(16) The Government of the People's Republic of China continues to engage in discriminatory and unfair trade practices, including the exportation of products produced by prison labor, the use of import quotas and other quantitative restrictions on selected products, the unilateral increasing of tariff rates and the imposition of taxes as surcharges on tariffs, the barring of the importation of certain items, the use of licensing and testing requirements to limit imports, and the transshipment of textiles and other items through the falsification of country of origin documentation.

(17) The Government of the People's Republic of China continues to employ the policy and practice of controlling all trade unions and continues to suppress and harass members of the independent labor union movement.

(18) The United States-Hong Kong Policy Act of 1992 states that Congress wishes to see the provisions of the joint declaration implemented, and declares that ''the human rights of the people of Hong Kong are of great importance to the U.S. Human Rights also serve as a basis for Hong Kong's continued prosperity,''. This together with the rule of law and a free press are essential for a successful transition in 1997.

(19) The United States currently has numerous sanctions on the People's Republic of China with respect to government-to-government assistance, arms sales, and other commercial transactions.

(20) It is in the interest of the United States to foster China's continued engagement in the broadest range of international fora and increased respect for human rights, democratic institutions, and the rule of law in China.

SEC. 3. UNITED STATES DIPLOMATIC INITIATIVES.

(a) UNITED STATES OBJECTIVES.—The Congress calls upon the President to undertake intensified diplomatic initiatives to persuade the Government of the People's Republic of China to—

(1) immediately and unconditionally release Harry Wu from detention;

(2) adhere to prevailing international standards regarding the nonproliferation of weapons of mass destruction by, among other things, immediately halting the export of ballistic missile technology and the provision of other weapons of mass destruction assistance, in violation of international standards, to Iran, Pakistan, and other countries of concern;

(3) respect the internationally-recognized human rights of its citizens by, among other things—

(A) permitting freedom of speech, freedom of press, freedom of assembly, freedom of association, and freedom of religion;

(B) ending arbitrary detention, torture, forced labor, and other mistreatment of prisoners;

(C) releasing all political prisoners, and dismantling the Chinese system of jailing political prisoners (the gulag) and the Chinese forced labor system (the Laogai);

(D) ending coercive birth control practices; and

(E) respecting the legitimate rights of the people of Tibet, ethnic minorities, and ending the crackdown on religious practices;

(4) curtail excessive modernization and expansion of China's military capabilities, and adopt defense transparency measures that will reassure China's neighbors;

(5) end provocative military actions in the South China Sea and elsewhere that threaten China's neighbors, and work with them to resolve disputes in a peaceful manner;

(6) adhere to a rules-based international trade regime in which existing trade agreements are fully implemented and enforced, and equivalent and reciprocal market access is provided for United States goods and services in China;

(7) comply with the prohibition on all forced labor exports to the United States; and

(8) reduce tensions with Taiwan by means of dialogue and other confidence building measures.

(b) VENUES FOR DIPLOMATIC INITIATIVES.—The diplomatic initiatives taken in accordance with subsection (a) should include actions by the United States—

(1) in the conduct of bilateral relations with China;

(2) in the United Nations and other international organizations;

(3) in the World Bank and other international financial institutions;

(4) in the World Trade Organization and other international trade fora; and

(5) in the conduct of bilateral relations with other countries in order to encourage them to support and join with the United States in taking the foregoing actions.

SEC. 4. REPORTING REQUIREMENTS.

The President shall report to the Congress within 30 days after the date of enactment of this Act, and no less frequently than every 6 months thereafter, on—

(1) the actions taken by the United States in accordance with section 3 during the preceding 6-month period;

(2) the actions taken with respect to China during the preceding 6-month period by—

(A) the United Nations and other international organizations;

(B) the World Bank and other international financial institutions; and

(C) the World Trade Organization and other international trade fora; and

(3) the progress achieved with respect to each of the United States objectives identified in section 3(a).

Such reports may be submitted in classified and unclassified form.

SEC. 5. COMMENDATION OF DEMOCRACY MOVEMENT.

The Congress commends the brave men and women who have expressed their concerns to the Government of the People's Republic of China in the form of petitions and commends the democracy movement as a whole for its commitment to the promotion of political, economic, and religious freedom.

SEC. 6. RADIO FREE ASIA.

(a) PLAN FOR RADIO FREE ASIA.—Section 309(c) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6208(c)) is amended to read as follows:

''(c) SUBMISSION OF PLAN.—Not later than 30 days after the date of enactment of the China Policy Act of 1995, the Director of the United States Information Agency shall submit to the Congress a detailed plan for the establishment and operation of Radio Free Asia in accordance with this section. Such plan shall include the following:

''(1) A description of the manner in which Radio Free Asia would meet the funding limitations provided in subsection (d)(4).

''(2) A description of the numbers and qualifications of employees it proposes to hire.

''(3) How it proposes to meet the technical requirements for carrying out its responsibilities under this section.''.

(b) INITIATION OF BROADCASTING TO CHINA.—Not later than 90 days after the date of enactment of this Act, Radio Free Asia shall commence broadcasting to China. Such broadcasting may be undertaken initially by means of contracts with or grants to existing broadcasting organizations and facilities.

The SPEAKER pro tempore. Pursuant to House Resolution 193, the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from Indiana [Mr. HAMILTON] will each be recognized for 45 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I yield myself 7½ minutes.

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

Mr. BEREUTER. Mr. Speaker, my colleagues, make no mistake about it. United States relations with the People's Republic of China have deteriorated to a very troubled level. Currently, United States-China relations are cool and formal, and are dominated by a series of disputes. In this environment, animosities and grievances—on both sides—could boil over and cause an irreparable breach. Indeed, a new cold war, this time with the PRC, is not entirely impossible—but it is avoidable. We must all approach this debate today with a deep sense of gravity and care regarding the long-term importance and fragility of Sino-American relations.

Clearly, Mr. Speaker, a further, unnecessary deterioration in Chinese-American relations is not in the United States national interest. It would not serve our security goals; nor would it serve our human rights objectives. It would not advance our trade and economic objectives. Simply put, I emphasize to my colleagues today that what we do here today should not aim to isolate or demonize China or foster the attitude in this country that China is an enemy. They are not an enemy. We should have the objective of improving the Chinese-American relationship while, at the same time, always acting in our national interest. These goals are not incompatible.

Having said that however, this Member steadfastly believes that the United States must remain engaged with China. This does not mean that we should ignore the many legitimate differences between our two nations. It is entirely proper that we make weapons proliferation, human rights, and the proper treatment of U.S. nationals, such as Harry Wu, our foreign policy objectives of the highest order. H.R. 2058, the China Policy Act of 1995, does precisely that. It fills a crucial gap by setting forth both clear policy objectives for the United States-China relationship and appropriate directions to the executive branch.

Mr. Speaker, this Member has carefully and painstakingly worked to draft legislation that accurately and comprehensively describes the House of Representatives' objectives and our concerns with regard to the Government of the People's Republic of China. With significant contributions from the gentleman from Virginia [Mr. WOLF], the gentlewoman from California [Ms. PELOSI], and with the support of the House leadership as well as bipartisan staff assistance from the House International Relations Committee, we have crafted bipartisan legislation that nearly every Member, in good conscience, can support.

The China Policy Act of 1995 concisely states the United States' foreign policy grievances with the People's Republic of China. This legislation very specifically calls upon the President of the United States to undertake the following diplomatic initiatives, to report on their progress, and to use every available diplomatic means to cause China to accomplish the following reforms:

First, permit freedom of assembly, freedom of association, freedom of press, and freedom of religion.

Second, end arbitrary detention, torture, forced labor, and other mistreatment of prisoner.

Third, release all political prisoners, including Harry Wu, and dismantle the Chinese gulag and forced labor system.

Fourth, end coercive birth control practices.

Fifth, respect the legitimate rights of ethnic minorities and the people of Tibet.

Sixth, curtail excessive modernization and expansion of China's military capabilities.

Seventh, halt provocative military actions in the South China Sea.

Eighth, implement, and enforce international trade agreements.

Ninth, comply with prohibitions on all forced labor exports to the United States.

Tenth, reduce tensions with Taiwan.

Finally, this legislation commends the petition and democracy movement in China of brave men and women who are committed to the promotion of political, economic, and religious freedom. And, it also attempts to assist them and all Chinese in their endeavors by requiring the speedy implementation of the already authorized Radio Free Asia initiative.

Mr. Speaker, this legislation is both an alternative to a damaging MFN denial for China and also a positive statement of congressional concerns. It is the beginning, hopefully, of a process of formulating a clearer and more comprehensive policy toward China. Since we don't have a clear statement of policy emanating from the executive branch, we will begin the U.S. effort here today.

Of course, this legislation and the criticisms of China that it outlines, will not be welcomed by Beijing's leaders, but it will give hope to millions of Chinese who suffer from a denial of fundamental rights. Moreover, it states U.S. concerns forthrightly. Unlike a denial of normal trade status, which is really what MFN treatment entails, this legislation is not as likely to fuel the recent downward cycle of action and reaction that has gravely endangered U.S. interests.

Mr. Speaker, China is in the midst of a prolonged succession struggle. This power struggle has enormous implications for China's future and its relations with the United States, and for global security and the world economy. Since the triumph of the Communists in 1949 China had been dominated by two leaders, Mao Tse-tung and Dung Xiaoping. What leader or what collective leadership will next succeed to that mantle of power in the PRC? What will be their ideology, values, and policies? We cannot discern or determine that, but we can and must make sure that we do not give advantage to those who would take China backward economically or make it more aggressive and assertive internationally.

By extending normal trade status while simultaneously stating and acting upon our serious concerns with the practices and policies of the People's Republic of China we are making several very important points.

First, we want to see a prosperous Chinese people.

The American system of free enterprise is the envy of the world, including China. In fact, many dissidents in China support extension of most favored nation or normal trade status to China because they know that economic freedom often precedes other freedoms as well. In Taiwan, for example many people will soon vote for a President for the first time. In other Asian countries, political freedoms following economic liberalization has been the norm rather than the exception.

Second, we support the development of a Chinese Government that can protect the civil and political rights of its own people with stable and accountable institutions.

Fragmentation or chaos of the Chinese Government is neither in the interest of the United States or the people of China. Human rights abuses occur in China not only because of failed official policies of the Chinese government but also because of the corruption and lack of respect for the rule of law. Stable institutions which abide by the rule of law are essential to provide the proper protection that the Chinese people necessarily demand and should enjoy.

Third, we respect a China that can defend itself, but we must demand a China that adheres to its international commitments to coexist peacefully, respect international legal norms, and refrain from aggressive military action.

As chairman of the Asia and Pacific Subcommittee of the House International Relations Committee, this Member would note that cooperation with China has been an important key to preventing an explosive, perhaps nuclear, confrontation with North Korea. And while we have very grave concerns about a number of China's transactions with countries like Iran and Pakistan, it is important to note that we have been actively engaged with the PRC on proliferation issues. We have succeeded in preventing a number of dangerous sales, and we continue to press on other matters of concerns. I would tell my colleagues—no, I warn my colleagues—that if we disengage from China, we will have absolutely no influence over what China exports, or to whom.

In closing, Mr. Speaker, I urge my colleagues to pause for a moment to consider the importance of our long-term interests with China. Let me remind everyone, in all candor, that China will be one of the two or three most important strategic relationships this Nation will have in the coming decades. China will be one of the two or three most important countries in the world early in the next century. Quite simply, China is too big, and too dynamic, and too strategically important to ignore or push to an enemy status.

I raise this point not to alarm this body, for we should never be intimidated from promoting human rights and market economies. At the same time, however, we must focus on building a positive relationship with the Chinese people and their Government. We must not let our very real and substantial current problems with the PRC damage the fundamentally friendly attitude of the Chinese people toward the United States. The people of China are favorably predisposed toward the United States, and they share a general desire to embrace our freedoms.

Mr. Speaker, I urge my colleagues to speak out forthrightly about our concerns, but to do it in a fashion that will ultimately bring us closer to the desired goals of freedom and human rights for all people, and a growing rapport and trust between our two governments. It must be clear that we speak with deep and serious conviction, but with friendship and constructive ends.

I urge adoption of H.R. 2058, the China Policy Act of 1995, and yield back the balance of my time.

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

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GIBBONS], the distinguished ranking member of the Committee on Ways and Means.

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

Mr. Speaker, I rise here to support the Bereuter proposal. I think it is a sound, constructive proposal. I want to commend the gentleman from Nebraska [Mr. BEREUTER] and every Member, Democrat and Republican, who cooperated in putting together this sound piece of public policy.

I love the stem winding, desk thumping speeches that some of our colleagues give, but when you ask yourself what is the solution, the solution really is the Bereuter proposal. We have a terrible condition in China, but let me let you in on a secret. It has been that way for 6,000 years.

When I first went to China shortly before we began any kind of relationship with them at all over a 40-year period, they were just finishing the cultural revolution, in which millions of Chinese had been displaced and rooted out of their families and their homes and transported around the country and hundreds of thousands of Chinese had been slaughtered. Fortunately, no Americans lost their lives in there because we did not have an American national in the whole country of China at that time.

China has never experienced the types of freedoms that we in the Western world have developed so torturously over so many thousands of years. They have never had religious freedom or freedom of speech. They have never had the freedom of assembly or any of the freedoms we cherish. They need them, they want them, and they will eventually get them, but we have to lead the way, and we should never go to the same disastrous type of program that we carried out for about 40 years in which we threw ourselves out of China and isolated ourselves from China.

Our trade situation with China is not good, but it is better than the terrible situation that we had in the past. It is going to improve. I love all this discussion about slave labor, and I hope some of the people are listening to this. I do

not know of any State in the United States that does not have slave labor. All of us in our States produce goods that are sold in commerce that we Americans consume that were made by slave labor in our own prisons. It has been against the law so long as I can remember to import any of those kinds of goods in the United States.

So we have tried to keep them out. I am sorry some of them slip in, but it is against the law and anybody that is convicted of importing those kinds of goods is going to be penalized. We are doing our best to penalize Americans for knowingly doing that kind of thing.

But I doubt that there is a Member of Congress here that has not slept on a bed or sat at a desk or used a filing cabinet that was not made by prison labor in the United States.

Mr. Speaker, I am sorry that my time is up, but support the Bereuter amendment. It is a good, constructive proposal.

Mr. BEREUTER. Mr. Speaker, I yield 1 minute to the gentleman from Arizona, Mr. MATT SALMON, a new member of the Committee on International Relations, who not only has lived in China for a substantial period of time, but speaks Chinese.

Mr. SALMON. Mr. Speaker, I am proud to be a cosponsor of H.R. 2058. I believe it is a big bold step in the right direction. I am really pleased that the gentleman from Nebraska [Mr. BEREUTER] has taken this initiative.

Mr. Speaker, I would also like to talk a little bit about my experience. I served a mission for my church in Taiwan from 1977 to 1979. Most of the people that I became friends with over there were people that lived in mainland China and escaped the oppression of China under Mao Tse-tung. At that time they watched their families, many of them being killed, murdered before their very eyes. Many of them watched their parents be severely punished, sometimes beaten, sometimes even killed, for praying in public.

As China engaged the Western world, I was heartened, I was encouraged, by her desire to become more open politically, economically and socially. But as with many Americans, much of that optimism was extinguished by Tiananmen Square, and part of me died that day. Since that day China has steadily marched backward, stifling freedom, flouting human rights, and demonstrating disregard.

I do support doing business with China. I think it is a step in the right direction, but we need to make sure they understand we will be watching and the people that do business over there need to not be accepting, but step forward and do the right thing.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California [Mr. MATSUI], who has been one of the prime movers on this matter of China.

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

Mr. Speaker, first of all, I would like to congratulate both the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from Indiana [Mr. HAMILTON], the two cosponsors of this legislation, and certainly to the gentleman from Virginia [Mr. WOLF] and the gentlewoman from California [Ms. PELOSI], who actually worked very closely with both cosponsors to put together this legislation in a way I believe that all of us will be able to support; second, what I believe is important, to send a signal to the Chinese that is unified that truly represents the true feelings of this Nation. So I would like to thank them for making this debate very comfortable for all of us in this House of 435 Members.

I would have to say, and I believe I will just reiterate what the gentleman from Nebraska [Mr. BEREUTER] has said, that the United States-China relationship will probably be the most important relationship that the United States will have for the next 20 years. That is whether China is viewed by this country as our enemy, or whether this country views China as an ally, or perhaps something in between.

China has 22 percent of the world population, 1.2 billion people. Their economic growth rate is over 10 percent per year, and probably will grow much greater than that. Lloyd Bentsen, before he left as Secretary of the Treasury, said that for the next 15 years China will be building an equivalent to 18 Santa Monica freeways per day, and that means the Japanese, the Europeans, and all other countries are moving into China now, trying to influence China's behavior.

I have to say one of the experts that spoke on the rule perhaps has a little amnesia. President Clinton is basically following the policies of the Ford, Reagan, Bush, Carter, Nixon years in terms of our relations with the Chinese. That is because they all understood the permanence and importance of our relations with that country.

Now, there is no question that what the Chinese have been doing over the past decade, now coming to light, is something that we all in this country abhor, and certainly we understand that there were certain universal principles that all major great nations must comply with. But the way to really do it is not to isolate the Chinese, but to engage the Chinese.

That is what basically the Bereuter resolution does. It tells the Chinese that there are certain behaviors that we do not accept, but at the same time it attempts to normalize our relations with the Chinese. That is why this resolution, this bill, is so important for us, because ultimately it is the heirs of all of us in this room, the heirs of all of us in this country, that will benefit in terms of peace and understanding among nations and people of these nations, if in fact we can find some way with the United States, China, and other countries, to begin the normalization process with this Nation.

Mr. Speaker, I urge support of this bill.

Mr. BEREUTER. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from New York [Mr. GILMAN], the distinguished chairman of the Committee on International Relations.

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

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

Mr. Speaker, I want to thank the chairman and ranking minority member of Asia and Pacific Subcommittee, Mr. BEREUTER and Mr. BERMAN, for bringing this important compromise resolution before us today. And I want to commend my colleague from Virginia, Mr. WOLF, and the gentlelady from California, Ms. PELOSI, for their hard work and participation in this issue. Their struggle on behalf of human rights in China is exemplary.

It has been 6 years since the Tiananmen Square Massacre and a full 10 years since his holiness, the Dalai Lama, visited the Congress and told us about the repression in Tibet. During this time period, whenever the Congress attempted to bring about a change in Beijing's egregious behavior we were admonished, in so many words, by State Department experts that ''now is not the time. There is a political transition period underway in China and if we took any substantive action we would be strengthening the hand of the hardliners in Beijing.''

And so for the last decade whenever the Congress attempted to respond to China's use of slave labor, oppression of religious and political speech and thought, international property rights violations, unfair trade practices, arms proliferation, repression in occupied Tibet, threatening military exercises off the coast of Taiwan, a massive military buildup, the recent aggressive actions in the South China Sea and its obstruction to Taiwan's attempt to enter the United Nations, we were told to back off.

Accordingly, I wonder when the State Department will recognize that its China policy is fundamentally flawed? It is currently a failure on trade. It is a failure on human rights. And it is a failure on arms proliferation.

We all understand the necessity of constructively engaging China. But it is all too painfully obvious from the results that we are failing in our goals of encouraging pluralism, of respect for human rights, for trade, for regional security and for recognition of the wishes of the people of Taiwan.

While I support the State Department's efforts to constructively engage China, we have yet to see positive results from the process. The State Department must find a way to overcome the debilitating flaw in its China policy that sweeps aside responsive action with broad brush stroke generalizations about transition periods.

Until the State Department does that, the Congress must step in and respond to the many seriously unacceptable actions taken by the Communist Government in Beijing. Accordingly I urge my colleagues to support the Bereuter resolution. It is a balanced, good first step toward building a more productive China policy. It sets forth some significant goal posts in our relationship with the People's Republic of China.

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Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan [Mr. BONIOR], the minority whip.

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

I want to commend, first of all, the gentlewoman from California [Ms. PELOSI], the gentleman from Virginia [Mr. WOLF], the gentleman from Nebraska [Mr. BEREUTER], the gentleman from California [Mr. BERMAN], the gentleman from Indiana [Mr. HAMILTON], the gentleman from California [Mr. MATSUI], the gentleman from New York [Mr. GILMAN], and the gentleman from New Jersey [Mr. SMITH], and all the Members who worked so very hard on this issue.

Mr. Speaker, this debate today really comes down to one very simple question: What does America stand for as a nation?

Do we stand for democracy?

Do we stand for human rights?

Are those the values this Nation holds dear?

Or do we just stand up for those things when they're convenient?

Mr. Speaker, we all know that China is a nation that tortures, abuses, and imprisons its own people.

A nation where freedom of speech and freedom of religion do not exist.

A nation where people who speak out against the Government disappear without a trace.

And by extending most-favored-nation status to China, by giving them special treatment, we put our stamp of approval on all of it.

Mr. Speaker, I don't think America should be in the business of licensing torture.

But if we as a nation can't speak out against a Communist country that arrests and imprisons our own citizens, if we can't use our leverage to bring Harry Wu home, then we really have lost our way as a nation.

Harry Wu's only crime is that he told the truth about what's happening in China today.

He had the courage to tell the world about the torture and prison labor.

He had the courage to stand up for democracy and human rights.

And for that, he got arrested.

Now he's looking to us to speak out for him.

It's time we stand up for him.

By passing the Bereuter resolution today, we will send a crystal clear message to the dictators in Beijing: Let Harry Wu go.

But it's not enough for this Nation simply to stand up for human rights when our own people are threatened.

For 200 years, we have been the beacon for democracy around the world.

If we don't stand up for the rights of the Chinese people, if we don't stand up to the butchers of Beijing then nobody else will.

This isn't just in our moral interests.

This is in our economic interest as well.

Today, China is running a $30 billion trade surplus with the United States.

A good part of the reason is that China pays its people about 17 cents an hour.

They export products to America made with prison labor.

By extending most-favored-nation status to China, we are taking jobs away from our own people.

Mr. Speaker, we shouldn't be afraid to use trade to promote democracy and human rights.

MFN isn't a gift to be awarded. It's a privilege that must be earned.

China has not earned the right to receive special treatment from the United States.

I urge my colleagues: Support the Bereuter resolution.

And let the world know that America stands for democracy and human rights.

Mr. BEREUTER. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. SMITH], a member of the Committee on International Relations.

Mr. SMITH of New Jersey. Mr. Speaker, yesterday the Subcommittee on International Operations and Human Rights, which I chair, finally got the opportunity to hear the real-life stories in open hearing from some of the Chinese women who have had their baby killed by forced abortion in the People's Republic of China.

After having had to take the extraordinary step of issuing subpoenas to bring these women out of U.S. prisons where they have been held for 2 years by the Clinton administration, which is trying to deport these women back to their tormentors, yesterday we heard these women describe the horror, the humiliation, the suffering, the pain and the loss of being subjected to both forced abortion and forced sterilization.

Even though these and many other women like them have been found to be completely credible by the INS, these victims are poised to be forced back to their oppressors in China because the Clinton administration reversed a very human policy of the Bush administration, by providing asylum to women who have had a forced abortion or have a well-founded fear of force abortion or forced sterilization.

Bill Clinton, Mr. Speaker, has turned his back on these victims, and he is trying to force them back. Hu Shu Ye broke down in tears yesterday as she described the pain and suffering of being dragged by the family planning cadres in China to the abortion mill to have her six-month-old unborn child destroyed. When she was able to regain her composure during the hearing, later in the hearing, she told us that she as bleeding so profusely that the Chinese officials were unable to involuntarily sterilize her. But 5 months later they were back at her door physically dragging her to be forcibly sterilized.

These women, their tears that they shed yesterday at the hearing and their profound suffering is the reality of tens of millions of women in the People's Republic of China, in that terrible dictatorship.

I have led two human rights missions to China, Mr. Speaker. Religious repression has intensified since the Clinton administration delinked MFN from human rights. Oppression of political dissidents has gotten worse. For every prominent dissident they have released, usually on the eve of some important decision in the United States, they have taken many, many others and many of those that we do not know about. And now they have taken a U.S. citizen, Harry Wu.

Not only do these human rights problems get worse every single month that we continue to truckle to China, but they keep discovering new horrors. The PRC dictatorship times the executions, for example, of prisoners for the convenience of rich foreigners who pay for the harvest of the prisoners' organs. Now we learn that states who supported abortion clinics sell human embryos, and there are even some credible reports that late-term unborn children are actually being consumed as a new health food. Mr. Speaker, ideas have consequences, and the central organizing idea behind the PRC dictatorship is the utter devaluation of the individual human being. They have consequences.

Mr. Speaker, let me conclude. There is no moral or practical difference between trading with the PRC dictatorship and trading with the Nazis.

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

JULY 18, 1995.

[Primary Sources: The Pueblo Institute, Amnesty International, The Cardinal Kung Foundation]

ROMAN CATHOLICS IMPRISONED AND DETAINED IN CHINA

1. Father Fan Da-Duo. A priest of Beijing Diocese. Reportedly under house arrest and unable to administer sacraments.

2. Father Guo Qiushan: A priest of Fu'an, Fujian province. Arrested July 27, 1990. Released in August 1991 for health reasons. Currently under house arrest.

3. Father Guo Shichum: A priest of Fu'an, Fujian province. Arrested July 27, 1990. Released in August 1991 for health reasons. Currently under house arrest.

4. Bishop John Yang Shudao: Bishop of Fuzhou, Fujian province. Arrested February 28, 1988. Transferred to house detention in February 1991. Restricted to home village and under close policy surveillance.

5. Bishop Mathias Lu Zhensheng: Age: 76. Bishop of Tianshui, Gansu province. Arrested late December 1989. Released about April 26, 1990 for reasons of health. Restricted to home village.

6. Bishop Casimir Wang Milu: Age: 55. Bishop of Tianshui diocese, Gansu province. Arrested April 1984. Released April 14, 1993. Activity is strictly monitored and restricted.

7. Father John Baptist Wang Ruohan: A priest from Tianshui diocese, Gansu province. Arrested June 16, 1994. Currently detained in Tianshui jail.

8. Father John Wang Ruownag: A priest from Tianshui diocese, Gansu province. Disappeared December 8, 1991. Resurfaced after a period of detention but movement and activity are closely monitored and severely restricted.

9. Father An Shi'an: Age: 81. A priest of Daming diocese, Hebei province. Arrested late December 1990. Released December 21, 1992. Current whereabouts unknown. Believed to be under restrictions of movement.

10. Father Chen Yingkui: A priest of Yixian diocese, Hebei province. Arrested in 1991. Sentenced to three years' of ''reeducation through labor.'' Reported to be released.

11. Father Chi Huitain: Arrested April 17, 1995. Currently being held at an unknown location.

12. Father Peter Cui Xingang: Age: 30. A priest of Donglu village, Qingyuan count, Hebei province. Arrested July 28, 1991. Reportedly released but activities are restricted and monitored.

13. Father Gao Fangzhan: Age: 27. A priest of Yizian diocese, Hebei province. Arrested May 1991. Currently being held without trial. Reportedly released but activities are restricted and monitored.

14. Father Peter Hu Duoer: Age: 32. Arrested December 14, 1990. Severely tortured during his detention. Reportedly released but activities are restricted and monitored.

15. Father Li Jian Jin: Age: 28. A priest of Han Dan, Hebei Province. Arrested March 4, 1994. Currently being held in Ma Pu Cun detention center.

16. Father Li Zhongpei: Arrested December 1990. Sentenced to three years' ''reeducation through labor.'' Although Chinese authorities have reportedly released him, he has not been seen since his release.

17. Father Liu Heping: Age: 28. Arrested December 13, 1991. Reportedly transferred to house arrest; actions restricted and monitored.

18. Father Liu Jin Zhong: A priest of Yixian, Hebei province. Arrested February 24, 1994. Reportedly released but activities are restricted and monitored.

19. Father Lu Dong Liang: A priest of Feng Shi, Dong Ging Liu, Hebei province. Reportedly released but activities are restricted and monitored.

20. Father Lu Gen-You: Arrested in 1994. Reportedly released but activities are restricted and monitored.

21. Father Ma Zhiyuan: Age: 28. Arrested December 13, 1991. Reportedly released but activities are restricted and monitored.

22. Father Pei Guojun: A priest of Yixian diocese, Hebei province. Arrested between mid-December 1989 and mid-January 1990. Reportedly released but activities are restricted and monitored.

23. Father Pei Xhenping: A priest of Youtong village, Hebei province. Arrested October 21, 1989. Reportedly released but activities are restricted and monitored.

24. Father Shi Wande: A priest of Baoding diocese, Hebei province. Arrested December 9, 1989. Reportedly released but activities are restricted and monitored.

25. Father Sun Hua Ping: Arrested June 30, 1994. Currently held in a detention center of Lin Ming Guan, Shi Zhuang Cun, Yong Nian Xian, Hebei province.

26. Father Wang Jiansheng: Age: 40 Arrested May 19, 1991 and sentenced to three years' ''reeducation through labor.'' Reportedly released but activities are restricted and monitored.

27. Father Xiao Shixiang: Age: 58. A priest of Yixian diocese, Hebei province. Arrested December 12, 1991. Reportedly released but activities are restricted and monitored.

28. Father Yan Chong-Zhao: A priest of Handan diocese, Hebei province. Arrested September 1993. Currently held in detention center in Guangping county, Hebei province.

29. Father Zhou Zhenkun: A priest of Dongdazhao village, Boading, Hebei province. Arrested December 21, 1992. Reportedly released but activities are restricted and monitored.

30. Bishop Guo Wenzhi: Age: 77. Bishop of Harbin, Heilongjiang province. Reportedly released but activities are restricted and monitored.

31. Father Joseph Jin Dechen: Age: 72. A priest of Nanyang diocese, henan province. Arrested December 18, 1981. Sentenced to 15 years in prison and five years deprivation of rights. Paroled May 21, 1992 but confined to his home village of Jinjiajiang where he remains under restrictions of movement and assocation.

32. Father Li Hongye (or Hongyou): Age: 76. Bishop from Luoyang, Henan province. Arrested July 7, 1994. Conflicting reports make his current status unknown. Diagnosed with stomach cancer.

33. Bishop John Baptist Liang Xishing: Age: 72. Bishop of Kaifeng diocese, Henan province. Disappeared and presumed rearrested March 18, 1994. Reportedly released but activities are restricted and monitored.

34. Father Zhu Bayou: A priest of Nanyang diocese, province. Released on parole but restricted to the village of Jingang, Henan.

35. Father Jiang Liren: Age: 80. Bishop of Hohht, Inner Mongolia. Arrested December 1989. Transferred to house arrest in April 1990.

36. Bishop Mark Yuan Wenzai: Age: 69. Bishop of Nantong, Jiangsu province. Currently under the custody of the local Patriotic Church bishop and forced to live at the church in Longshan.

37. Father Liao Haiqing: Age: 64. A priest of Fuzhou, Jiangxi province. Arrested August 11, 1994. Released in mid-November. Currently under police surveillance.

38. Father Xia Shao-Wu: Arrested December 30, 1994. Currently held by Public Security Bureau officials Hebei.

39. Bishop Zeng Jingmu: Arrested September 17, 1994. Reportedly released but activities are restricted and monitored.

40. Father Li Zhi-Xin: A priest in the city of Xining, Qinghai province. Arrested March 29, 1994. Reportedly released but activities are restricted and monitored.

41. Father Vincent Qin Guoliang: Age: 60. A priest in the city of Xining, Qinghai province. Arrested November 3, 1994. Sentenced to two years' ''reeducation through labor.'' Currently detained at Duoba labor camp.

42. Bishop Fan Yufel: Age: 60. Bishop Zhouzhi, Shaanxi province. Arrested in spring 1992. Transferred to house arrest in September 1992.

43. Bishop Lucas Li Jingfeng: Age: 68. Bishop of Fengxiang, Shaanxi province. Placed under house arrest April 1992. Reportedly released but activities are restricted and monitored.

44. Bishop Huo Guoyang: Bishop of Chongqing, Sichuan province. Arrested early January 1990. Reportedly released in early 1991 and currently under police surveillance in Chongqing City, Sichuan.

45. Bishop Li Side: Bishop of Tianjin diocese. Arrested May 25, 1992. Exiled in July 1992 to a rural parish of Liang Zhuang, Ji country and is forbidden to leave. Currently held under house arrest.

46. Bishop Shi Hongzhen: Auxiliary bishop of Tianjin diocese. Activities severely restricted. One report states he is under house arrest.

47. Father Su De-Qien: A priest of Tianjin diocese. Must report to Public Security once a month. Unable to administer the sacraments since December 1993.

48. Father Gu Zheng: Age: 50. Arrested October 6, 1994. Released late November 1994 but remains under strict police surveillance.

49. Deacon Dong Linzhong: Deacon of Dongdazhao Village, Baoding, Hebei province. Arrested December 21, 1992. Reportedly released but activities are restricted and monitored.

50. Deacon Wang Tongshang: Deacon of Baoding diocese, Hebei province. Arrested December 23, 1990. Sentenced to three years of ''reeducation through labor.'' Reportedly released but activities are restricted and monitored.

51. Sister Wang Yuqin: Age: 23. Arrested April 25, 1995. Although most of the 30–40 people arrested with her have been released, she remains in detention. Also fined 900 Chinese Yen, the equivalent of 3 months income.

52. Wang (or Wong) Ruiying: Arrested June 1994. Currently being held in a detention center in Cheng An Xian, Hebei province.

53. Zhang Guoyan: Age: 45. Sentenced in 1991 to three years' ''reeducation through labor.'' Reportedly released in March 1993.

54. Cui Maozai: Age: 42. Arrested April 26, 1995. Released but activities are restricted and monitored.

55. Gao Jianxiou: Age: 46. Arrested April 26, 1995. Released but activities are restricted and monitored.

56. Gao Shuyun: Age: 45. Arrested April 1995. Currently held at Chongren Sein detention center. Reportedly beaten so severely that she cannot feed herself. Released but activities are restricted and monitored.

57. Huang Guanghua: Age: 43. Arrested April 1995. Reportedly released but activities are restricted and monitored.

58. Huang Meiyu: Age 40. Arrested April 1995. Reportedly released but activities are restricted and monitored.

59. Lu Huiying: Age 51. Arrested April 1995. Reportedly released but activities are restricted and monitored.

60. Pan Kunming: Age 30. Arrested April 1995. Sentenced to five years in prison.

61. Rao Yanping: Age 18. Arrested April 1995. Sentenced to four years in prison.

62. Wu Jiehong: Age 46. Arrested April 1995. Released but activities are restricted and monitored.

63. Wu Yinghua: Age 30. Arrested April 1995. Released but activities are restricted and monitored.

64. You Xianyu: Age 42. Arrested April 1995. Released but activities are restricted and monitored.

65. Yu ChuiShen: Age 50. Arrested April 26, 1995. Sentenced to three years in prison.

66. Zeng Yinzai: Age 60. Arrested April 26, 1995. Released but activities are restricted and monitored.

67. Zeng Zhong-Liang: Arrested December 30, 1994. Released but activities are restricted and monitored.

68. Zhang Wenlin: Age 60. Arrested April 1995. Released but activities are restricted and monitored.

69. Zhu Changshun: Age 40. Arrested April 26, 1995. Released but activities are restricted and monitored.

70. Zhu Lianrong: Age 49. Arrested April 1995. Released but activities are restricted and monitored.

71. Wang Dao-Xian: Arrested April 21, 1994. Released but activities are restricted and monitored.

72. Xu Funian: Age 51. Arrested at the end of 1994 and sentenced to two years' ''reeducation through labor.''

73. Zhang Yousheng: Arrested in December 1990 or early 1991. Sentenced to three years'

imprisonment. Chinese authorities reported his release in June 1993. Activities are restricted and monitored.

74. Yu Qi Xiang: Age 19. Arrested April 26, 1995. Sentenced to two years in prison.

JULY 3, 1995.

[Primary Sources: Amnesty International, International Campaign for Tibet]

BUDDHIST MONKS AND NUNS IMPRISONED AND DETAINED IN TIBET

1. Apho: Age: 36. A monk of Bu Gon monastery. Arrested January 13, 1994. Currently held in Chamdo prison.

2. Bakdo: A monk of Ganden monastery. Arrested May 1992. Currently held in Gutsa prison.

3. Buchung: Age 25. A monk of Sungrabling monastery. Arrested July 4, 1993. Sentenced to 4 years in prison. Currently held in Drapchi prison.

4. Champa Choekyi: A nun of Shungsep monastery. Arrested December 9, 1993.

5. Champa Gyatso: Age: 20. A monk of Ganden monastery. Arrested March 9, 1993. Currently held in Gutsa prison.

6. Champa Tsondrue: Age: 17. A monk of Ganden monastery. Arrested June 19, 1994. Currently held in Gutsa prison.

7. Chigchen: Age 21. A monk of Palkhor monastery. Arrested July 3, 1992. Currently held in Gyangtse jail.

8. Chime: Age 25. A monk Dunbu monastery. Arrested May 30, 1993.

9. Chime Drolkar: Age 18. A nun of Shungsep monastery. Arrested October 1, 1990. Sentenced to 7 years in prison. Currently held in Drapchi prison.

10. Chimi: A nun of Garu monastery. Arrested June 16, 1993.

11. Choede: Age: 20. A monk of Yamure monastery. Arrested January 9, 1995.

12. Choekyi Gyaltsen: Age: 24. A nun of Shar Bumpa monastery. Arrested June 14, 1994. Currently held at Gutsa prison.

13. Choekyi Vangmo: Age: 20. A nun of Shar Bumpa monastery. Arrested June 14, 1994. Currently held at Gutsa prison.

14. Choekyi Tsomo: A nun of Bumthang monastery. Arrested March 13, 1994.

15. Choenyi Drolma: A nun of Shugsep monastery. Arrested December 9, 1993.

16. Choephel: A monk arrested October 20, 1993.

17. Choezom: A nun of Chubsang monastery. Arrested August 12, 1992.

18. Chung Tsering: Age: 30. A monk of Ganden monastery. Arrested May 13, 1994.

19. Dakar: Age: 20. A nun of Nagar monastery. Arrested August 17, 1993.

20. Damchoe Gyaltsen: Age: 24. A nun of Garu monastery. Arrested June 15, 1992. Sentenced to 4 years in prison. Currently held at Drapchi prison.

21. Dawa: Age: 21. A monk of Ganden monastery. Arrested March 20, 1992. Currently held at Gutsa prison.

22. Dawa: Age: 27. A monk of Ganden monastery. Arrested March 20, 1992. Currently held at Gutsa prison.

23. Dawa: Age: 20. A monk of Phurchok monastery. Arrested May 24, 1994.

24. Dawa Gyaltsen: Age: 17. A monk of Tsepag monastery. Arrested June 4, 1993. Sentenced to five years in prison. Currently held at Drapchi prison.

25. Dawa Norbu: Age: 19. A monk of Palkhor monastery. Arrested July 3, 1992. Currently held in Gyantse jail.

26. Dawa Samdup: A monk of Drepung monastery. Arrested between October 16 and 21, 1993. Currently held at Gutsa prison.

27. Dawa Sonam: Age: 16. A monk of Ganden monastery. Arrested May, 1992. Currently held in Gutsa prison.

28. Dawa Tsering: Age: 22. A monk of Dralhaluphug monastry. Arrested September 30, 1989. Sentenced to 8 years in prison. Currently held in Drapchi prison.

29. Dekyi Nyima: A nun of Gura monastery. Arrested May 25, 1994.

30. Delo: Age: 23. A monk of Ganden monastery. Arrested May, 1992. Current held in Gutsa prison.

31. Dhundup Gyalpo: Age: 17. monk. Arrested June 26, 1993. Sentenced to 3 years in prison. Currently held in Sangyyip prison.

32. Dondrup Gyatso: Age: 20. A monk of Dranang monestry. Arrested June 6, 1993. Sentenced to 3 years in prison. Currently held in Drapchi prison.

33. Dondrup: A monk of Rabkung monestry. Arrested September 30, 1990.

34. Dondup: Age: 17. A monk of Ganden monastery. Arrested May, 1992. Current held in Gutsa prison.

35. Dorje: Age: 25. A monk of Ganden monastery. Arrested April 11, 1992. Sentenced to 6–8 years in prison. Currently held in Drapchi prison.

36. Dorje: Age: 15. A monk of Dunbu monastery. Arrested May 30, 1993.

37. Dorje Tsomo: Age: 18. A nun of Chubsang monastery. Arrested August 12, 1992.

38. Dradul: Age: 23. A monk of Dunbu monastery. Arrested May 30, 1993.

39. Drakpa Tsultrim: Age: 41. A monk of Ganden monestry. Arrested March 7, 1988. Sentenced to 8 years in prison. Currently held in Drapchi prison.

40. Dunrup Yugyal: Age: 23 A monk of Ganden monastery. Arrested March 3, 1993. Currently held in Gutsa prison.

41. Gokyi: Age: 23. A nun of Garu monastery. Arrested June 16. 1993. Sentenced to 3–5 years in prison. Currently held in Drapchi prison.

42. Gyaltsen Choedron: Age: 25. A nun of Garu monastery. Arrested August 21, 1990. Sentenced to 9 years in prison. Currently held in Drapchi prison.

43. Gyaltsen Choezom: Age: 24. A nun of Garu monastery. Arrested August 21, 1990. Sentenced to 9 years in prison. Currently held in Drapchi prison.

44. Gyaltsen Drolkar: Age: 22. A nun of Garu monastery. Arrested August 21, 1990. Sentenced to 12 years in prison. Currently held in Drapchi prison.

45. Gyaltsen Drolma: Age 16. A nun of Garu monastery. Arrested June 9, 1991. Currently held in Gutsa prison.

46. Gyaltsen Kalsang: Age 22. A nun of Chubsang monastery. Arrested March 21, 1992. Currently held in Gutsa prison.

47. Gyaltsen Kunga: Age: 23. A nun of Garu monastery. Arrested June 14, 1990. Sentenced to 2 years in prison. Currently held in Drapchi prison.

48. Gyaltsen Kunsang: Age: 22. A nun of Garu monastery. Arrested June 14, 1993. Sentenced to 2 years in prison. Currently held in Drapchi prison.

49. Gyaltsen Kunsang: Age: 25. A nun of Garu monastery. Arrested between June 5 and 22, 1992. Sentenced to 4 years in prison. Currently held in Drapchi prison.

50. Gyaltsen Lhagdron: Age: 26. A nun of Garu monastery. Arrested August 21, 1990. Sentenced to 7 years in prison. Currently held in Drapchi prison.

51. Gyaltsen Lhaksam: Age: 25. A nun of Garu monastery. Arrested August 21, 1990. Sentenced to 7 years in prison. Currently held in Drapchi prison.

52. Gyaltsen Lhazom: Age: 25. A nun of Garu monastery. Arrested June 9, 1991. Currently held in Gusta prison.

53. Gyaltsen Lodroe: Age: 17. A monk of Tsepak monastery. Arrested June 4, 1993. Sentenced to 6 years in prison. Currently held in Drapchi prison.

54. Gyaltsen Lungrig: Age: 24. A nun of Michungri monastery. Arrested August 12, 1990. Sentenced to 5 years in prison. Currently held in Drapchi prison.

55. Gyaltsen Nyinyi: Age: 24. A nun of Garu monastery. Arrested between June 5 and 22, 1992. Sentenced to 4 years in prison. Currently held in Drapchi prison.

56. Gyaltsen Pema: Age: 17. A nun of Garu monastery. Arrested June 9, 1991. Currently held in Gutsa monastery.

57. Gyaltsen Sangmo: Age: 24. A nun of Garu monastery. Arrested June 14, 1993. Sentenced to 2-3 years in prison. Currently held in Drapchi prison.

58. Gyaltsen Sherab: Age: 25. A nun of Chubsang monastery. Arrested between May 10 and 16, 1992. Sentenced to 5 years in prison. Currently held in Drapchi prison.

59. Gyaltsen Sherab: Age: 19. A nun of Shar Bumpa monastery. Arrested June 14, 1994. Currently held in Gutsa prison.

60. Gyaltsen Tengye: Age: 21. A monk of Ganden monastery. Arrested June 20 1994. Currently held in Gutsa prison.

61. Gyaltsen Tsultrim: Age: 22. A nun of Garu monastery. Arrested between May 4 and 14, 1993. Sentenced to 4-5 years in prison. Currently being held in Drapchi prison.

62. Gyaltsen Zoepa: Age: 20. A monk of Ganden monastery. Arrested June 21, 1994.

63. Jamchok: Age: 28. A monk of Lithang monastery. Arrested August 20, 1993.

64. Jampa: Age: 26. A monk of Rame monastery. Arrested July, 1992. Currently held in Tsethang jail.

65. Jampa: Age: 30. A monk of Pomda monastery. Arrested August, 1993.

66. Jampa Choejor: Age: 16. A monk of Chamdo monastery. Arrested February 8, 1994. Currently being held in Shritang prison.

67. Jampa Dedrol: Age: 15. A nun of Michungri monastery. Arrested February 13, 1993. Currently being held in Gutsa prison.

68. Jampa Drolkar: Age: 21. A nun of Nagar monastery. Arrested August 17, 1993.

69. Jampa Gelek: Age: 18. A monk of Ganden monastery. Arrested March 9, 1993.

70. Jampa Legshe: Age: 27. A monk of Phenpo Naland monastery. Arrested July 3, 1993. Sentenced to 4 years in prison. Currently held in Drapchi prison.

71. Jampa Rangdrol: Age: 21. A monk of Ganden monastery. Arrested April 11, 1992. Sentenced to 6 years in prison. Currently held in Drapchi prison.

72. Jampa Tashi: Age: 26. A monk at Serwa monastery. Arrested March 29, 1994. Sentenced to 12 years in prison. Currently held in Powo Tramo prison.

73. Jampa Tenzin: Age: 20. A monk of Ganden monastery. Arrested May 6, 1992. Sentenced to 4 years in prison. Currently held in Drapchi prison.

74. Jampa Tenzin: Age: 22. A monk of Ganden monastery. Arrested May 13, 1992. Sentenced to 2 years in prison. Currently being held in Drapchi prison.

75. Jampa Tseten: Age: 22. A monk of Ganden monastery. Arrested May 6, 1992. Sentenced to 7 years in prison. Currently being held in Drapchi prison.

76. Jampel Changchub Yugyal: Age: 32. A monk of Drepung monastery. Arrested March or April, 1989. Sentenced to 19 years in prison. Currently being held in Drapchi prison.

77. Jampel Dorje: Age: 15. A monk of Dunbu monastery. Arrested May 30, 1993. Sentenced to 2 years, 6 months in prison.

78. Jampel Gendun: Age: 31. A monk of Ganden monastery. Arrested March 20, 1992. Sentenced to 9 years in prison. Currently held in Drapchi prison.

79. Jampel Losel: Age: 27. A monk of Drepung monastery. Arrested April 27, 1989. Sentenced to 10 years in prison.

80. Jamyang: Age: 28. A monk of Ganden monastery. Arrested March 20, 1992. Currently being held in Gutsa prison.

81. Jamyang Dhondup: Age: 29: A monk of Lithang monastery. Arrested August 20, 1993.

82. Jamyang Dolma: Age: 23. A nun of Shar monastery. Arrested June 15, 1994.

83. Jamyang Kunga: Age: 22. A monk of Dunbu monastery. Arrested November 7, 1992. Sentenced to 4 years in prison. Currently being held in Drapchi prison.

84. Jigme Dorje: Age: 27. A monk of Serwa monastery. Arrested March 29, 1994. Sentenced to 15 years in prison. Currently being held in Powo Tramo prison.

85. Jigme Yandron: Age: 24. A nun of Shungsep monastery. Arrested August 28, 1990. Sentenced to 12 years in prison. Currently being held in Drapchi prison.

86. Jigme Yangchen: Age: 23. A nun of Shungsep monastery. Arrested October 1, 1990. Sentenced to 7 years in prison. Currently held in Drapchi prison.

87. Kagye: A monk of Ganden monastery. Arrested May, 1992. Currently held in Gutsa prison.

88. Kelsang: A monk of Ganden monastery. Arrested May, 1992.

89. Kelsang: Age: 16. A monk of Tsepak monastery. Arrested June 3, 1993. Currently held in Gutsa prison.

90. Kelsang Chodak: Age: 20. A monk of Drepung monastery. Arrested December 15, 1990. Sentenced to 5 years in prison. Currently held in Drapchi prison.

91. Kelsang Dawa: Age: 21. A monk of Tsome monastery. Arrested May 15, 1992. Sentenced to 3–5 years in prison. Currently held in Drapchi prison.

92. Kelsang Gyaltsen: Age: 25. A monk of Dingka monastery. Arrested March 17, 1991. Sentenced to 6 years in prison. Currently being held in Drapchi prison.

93. Kelsang Phuntsog: Age: 21. A monk of Sera monastery. Arrested August 4, 1991. Currently held in Gutsa prison.

94. Kelsang Thutob: Age: 46. A monk of Drepung monastery. Arrested April 16, 1989. Sentenced to 18 years in prison. Currently held in Drapchi prison.

95. Kelsang Tsering: A monk of Dakpo monastery. Arrested January, 1992. Currently held in Medro jail.

96. Khyentse Legrup: Age: 21. A monk of Chideshol monastery. Arrested November 7, 1992. Sentenced to 3 years in prison. Currently held in Drapchi prison.

97. Kunchok Tsomo: Age: 15. A nun of Garu monastery. Arrested June 17, 1992. Sentenced to 3 years in prison. Currently held in Drapchi prison.

98. Kunsang Jampa: Age: 20. A monk of Dakpo monastery. Arrested March 1992. Sentenced to 4 years in prison. Currently held in Drapchi prison.

99. Legshe Phuntsog: Age: 23. A monk of Phenpo monastery. Arrested July 3, 1993. Sentenced to 5 years in prison. Currently held in Drapchi prison.

100. Lhagyal: Age: 23. A monk of Samye monastery. Arrested between June and September, 1991. Sentenced to 3–4 years in prison. Currently being held in Drapchi prison.

101. Lhaga: Age: 23. A monk of Chideshol monastery. Arrested August 27, 1993. Sentenced to 3 years in prison. Currently being held in Drapchi prison.

102. Lhakpa: Age: 22. A monk of Draglhaluphug monastery. Arrested between October 6 and 25, 1989. Sentenced to 8 years in prison. Currently being held in Drapchi prison.

103. Lhakpa Tsering: Age: 20. A monk of Dunbu monastery. Arrested May 30, 1993.

104. Lhundrup Monlam: Age: 26. A monk of Palkhor monastery. Arrested March 15 or 16, 1990. Sentenced to 4–5 years in prison. Currently held in Drapchi prison.

105. Lhundrup Togden: Age: 24. A monk of Palkhor monastery. Arrested December 1989. Sentenced to 14 years in prison. Currently being held in Drapchi prison.

106. Lhundrup Zangmo: Age: 23. A nun of Michungri monastery. Arrested between August 12 and 21, 1990. Sentenced to 9 years in prison. Currently being held in Drapchi prison.

107. Li-Ze: A monk of Dakpo monastery. Arrested January 1992. Currently being held in Medro jail.

108. Lobsang: Age: 28. A monk of Lithang monastery. Arrested August 20, 1993.

109. Lobsang: Age: 22. A monk of Dunbu monastery. Arrested May 30, 1993.

110. Lobsang Choedrak: Age: 19. A monk of Sera monastery. Arrested February 23, 1992. Sentenced to 5 years in prison. Currently held in Drapchi prison.

111. Lobsang Choedrag: Age: 18. A monk of Nyemo Gyache monastery. Arrested February 3, 1992. Sentenced to 5 years in prison. Currently held in Drapchi prison.

112. Lobsang Choedrag: Age: 18. A monk of Dakpo monastery. Arrested March 11, 1992. Sentenced to 5 years in prison. Currently held in Drapchi prison.

113. Lobsang Choedrak: Age: 22. A monk of Drak Yerpa monastery. Arrested September 15, 1993.

114. Lobsang Choedron: Age: 17. A nun of Michungri monastery. Arrested February 3, 1992. Currently held in Gutsa prison.

115. Lobsang Choedron: Age: 23. A nun of Michungri monastery. Arrested August 22, 1990. Sentenced to 5 years in prison. Currently held in Drapchi prison.

116. Lobsang Choedron: Age: 22. A nun of Michungri monastery. Arrested August 22, 1990. Sentenced to 5 years in prison. Currently held in Drapchi prison.

117. Lobsang Choedron: A nun of Bumthang monastery. Arrested March 13, 1994.

118. Lobsang Choejor: Age: 32. A monk of Ganden monastery. Arrested March 7, 1988. Sentenced to 9 years in prison. Currently held in Drapchi prison.

119. Lobsang Choekyi: Age: 21. A nun of Garu monastery. Arrested between June 5 and 22, 1992. Sentenced to 6 years in prison. Currently held in Drapchi prison.

120. Lobsang Choezin: Age: 17. A monk of Ganden monastery. Arrested June 20, 1994. Currently held in Gutsa prison.

121. Lobsang Dadak: Age: 23. A monk of Ganden monastery. Arrested September 1989. Sentenced to 9 years in prison. Currently held in Drapchi prison.

122. Lobsang Dargye: Age: 27. A monk of Ragya monastery. Arrested November 16, 1992.

123. Lobsang Dargye: Age: 27. A monk of Serwa monastery. Arrested March 29, 1994. Sentenced to 15 years in prison.

124. Lobsang Dargye: Age: 23. A monk of Sangyak monastery. Arrested between May 11 and 16, 1992. Sentenced to 7 years in prison. Currently held in Drapchi prison.

125. Lobsang Dargye: A monk of Sangyak monastery. Arrested December 7, 1994.

125. Lobsang Dolma: Age: 24. A nun of Shar Bumpa monastery. Arrested June 1994.

126. Lobsang Donyo: Age: 19. A monk of Drak Yerpa monastery. Arrested August 28, 1993. Currently held in Taktse jail.

127. Lobsang Dorje: Age: 20. A monk of Phurchok monastery. Arrested May 16, 1992. Sentenced to 9 years in prison. Currently held in Drapchi prison.

128. Lobsang Dradul: Age: 18. A monk of Ganden monastery. Arrested June 10, 1992. Sentenced to 5 years in prison. Currently held in Drapchi prison.

129. Lobsang Drolma: Age: 22. A nun of Michungri monastery. Arrested February 3, 1992. Sentenced to 7 years in prison. Currently held in Drapchi prison.

130. Lobsang Drolma: Age: 18. A nun of Garu monastery. Arrested between June 5 and 22 1992. Sentenced to 5 years in prison. Currently held in Drapchi prison.

131. Lobsang Gelek: Age: 22. A monk of Sera monastery. Arrested in November or December 1989. Sentenced to 12 years in prison. Currently held in Drapchi prison.

132. Lobsang Gelek: Age: 23. A monk of Ganden monastery. Arrested May 6, 1992. Sentenced to 5 years in prison. Currently held in Drapchi prison.

133. Lobsang Gendun: A monk of Sang-ngag monastery. Arrested December 2 or 7, 1993.

134. Lobsang Gyaltsen: Age: 22. A monk of Nechung monastery. Arrested May 19, 1993.

135. Lobsang Gyaltsen: Age: 22. A monk of Shelkar monastery. Arrested June 14, 1993.

136. Lobsang Gyaltsen: Age: 23. A monk of Nechung monastery. Arrested May 19, 1993.

137. Lobsang Gyaltsen: Age: 19. A monk of Tsepak monastery. Arrested June 4, 1993. Sentenced to 6 years in prison. Currently held in Drapchi prison.

138. Lobsang Jampa: Age: 23. A nun of Shar Bumpa monastery. Arrested June 1994.

139. Lobsang Jampa: Age: 29. A monk of Ganden monastery. Arrested March 20, 1992. Sentenced to 8 years in prison. Currently held in Drapchi prison.

140. Lobsang Jampa: Age: 44. A monk of Drepung monastery. Arrested July 6, 1991. Currently held in Seitru prison.

141. Lobsang Kalden: A nun of Bumthang monastery. Arrested March 13, 1994.

142. Lobsang Khedrup: Age: 16. A monk of Ganden monastery. Arrested March 20, 1993. Sentenced to 5 years in prison. Currently held in Drapchi prison.

143. Lobsang Legshe: Age: 21. A monk of Ganden monastery. Arrested March 20, 1992. Sentenced to 5 years in prisons. Currently held in Drapchi prison.

144. Lobsang Lodrup: Age: 21. A monk of Phurchok monastery. Arrested May 16, 1992. Sentenced to 7 years in prison. Currently held in Drapchi prison.

145. Lobsang Lungtok: Age: 23. A monk of Ganden monastery. Arrested March 20, 1992. Sentenced to 7 years in prison. Currently held in Drapchi prison.

146. Lobsang Ngawang: Age: 22. A monk of Dakpo monastery. Arrested between March and May 1992. Sentenced to 8 years in prison. Current held in Drapchi prison.

147. Lobsang Palden: Age: 21. A monk of Phurbu Chog monastery. Arrested May 16, 1992. Sentenced to 7 years in prison. Currently held in Drapchi prison.

148. Lobsang Palden: Age: 22. A monk of Shelkar monastery. Arrested June 14, 1993.

149. Lobsang Palden: Age: 32. A monk of Ganden monastery. Arrested March 7, 1988. Sentenced to 10 years in prison. Currently held in Drapchi prison.

150. Lobsang Phuntsog: Age: 22. A monk of Drepung monastery. Arrested August 1991. Sentenced to 4 years in prison. Currently held in Drapchi prison.

151. Lobsang Samten: Age: 18. A monk of Ganden monastery. Arrested March 3, 1993. Currently held in Gutsa prison.

152. Lobsang Sherab: Age: 18. A monk of Purchok retreat. Arrested May 16, 1992. Sentenced to 8 years in prison. Currently held in Drapchi prison.

153. Lobsang Tashi: Age: 41. A monk of Zitho monastery. Arrested March 4, 1990. Sentenced to 5 years in prison. Currently held in PoZungma prison.

154. Lobsang Tengue: A monk of Sera monastery. Arrested in 1983. Currently being held in Gutsa prison.

155. Lobsang Tenzin: Age: 21. A monk of Ganden monastery. Arrested March 20, 1992. Currently held in Gutsa prison.

156. Lobsang Tenzin: Age: 18. A monk of Sera monastery. Arrested August 14, 1991. Currently held in Gutsa prison.

157. Lobsang Tenzin: A monk of Sang-ngag monastery. Arrested December 2 or 7, 1994. Currently held in Taktse prision.

158. Lobsang Thargye: A monk of Sand Nak Kha monastery. Arrested May 16, 1992.

159. Lobsang Thupten: Age: 16. A monk of Purchok monastery. Arrested August 5, 1992.

160. Lobsang Thupten: Age: 32. A monk of Sera monastery. Arrested July 6, 1992. Currently held in Gutsa monastery.

161. Lobsang Trinley: A monk of Dakpo monastery. Arrested January 6, 1992. Currently held in Medro jail.

162. Lobsang Tsegye: Age: 27. A monk of Serwa monastery. Arrested March 29, 1994. Sentenced to 15 years in prison. Currently held in Powo Tramo prison.

163. Lobsang Tsondru: A monk of Drepung monastery. Arrested 1990. Sentenced to 6–7 years in prison. Currently held in Drapchi prison.

164. Lobsang Yangzom: A nun of Bumthang monastery. Arrested March 13, 1994.

165. Lobsang Yarphel: Age: 20. A monk of Ganden monastery. Arrested between June 10 and 13, 1992. Sentenced to 7 years in prison. Currently held in Drapchi prison.

166. Lobsang Yeshe: Age: 18. A nun of Shar Bumpa monastery. Arrested June 1994.

167. Lobsang Yeshe: Age: 21. A monk of Ganden monastery. Arrested March 20, 1992. Sentenced to 5 years in prison. Currently held in Drapchi prison.

168. Lobsang Zoepa: Age: 19. A monk of Dakpo monastery. Arrested August 22, 1992. Sentenced to 3 years in prison. Currently held in Drapchi prison.

169. Loden: Age: 51 A monk of Gyu-me monastery. Arrested March 1993.

170. Lodro Pema: A nun of Shungsep monastery. Arrested December 9, 1993.

171. Migmar: Age: 17. A monk of Dunbu monastery. Arrested May 30. 1993.

172. Migmar: Age: 27 A monk of Dunbu monastery. Arrested May 30, 1993.

173. Migmar Tsering: Age: 20. A monk of Dunbu monastry. Arrested May 30. 1993.

174. Namdrol Lhamo: Age 28. A nun of Chubsang monastery. Arrested May 12, 1992. Sentenced to 12 years in prison. Currently held in Drapchi prison.

175. Namgyal Ghoedron: A nun of Shungsep monastery. Arrested December 9, 1993.

176. Ngawang Bumchok: Age: 22. A monk of Drepung monastery. Arrested June 15, 1992. Sentenced to 5 years in prison. Currently held in Drapchi Prison.

177. Ngawang Chendrol: Age: 18. A nun of Garu monastery. Arrested June 14, 1993. Sentenced to 3 years in prison. Currently held in Drapchi prison.

178. Ngawang Chenma: Age: 24. A nun of Garu monastery. Arrested June 5, 1992. Sentenced to 4 years in prison. Currently held in Drapchi prison.

179. Ngawang Chime: Age: 19. A nun of Garu monastery. Arrested June 14, 1993. Sentenced to 4 years in prison. Currently held in Drapchi prison.

180. Ngawang Choedrak: A monk and Chant master. Arrested April 1993.

181. Ngawang Choedron: A nun of Choebup monastery. Arrested June 28, 1993.

182. Ngawang Choekyi: Age: 23. A nun of Toelung monastery. Arrested May 14, 1993. Sentenced to 4 years in prison. Currently being held in Drapchi prison.

183. Ngawang Choekyi: Age: 21. A nun of Garu monastery. Arrested June 14, 1993. Sentenced to 4 years in prison. Currently being held in Drapchi prison.

184. Ngawang Choenyi: Age: 20. A monk of Kyemolong monastery. Arrested May 8, 1993. Sentenced to 4 years in prison. Currently held in Drapchi prison.

185. Ngawang Choekyong: A monk of Sang-Ngag monastery. Arrested between December 2 and 7, 1994. Currently held in Taktse prison.

186. Ngawang Choephel: Age: 29. A monk of Lithang monastery. Arrested August 20, 1993.

187. Ngawang Choeshe: Age: 24. A monk of Drepung monastery. Arrested May 13, 1992. Sentenced to 3 years in prison. Currently held in Drapchi prison.

188. Ngawang Choezom: Age: 22. A nun of Chubsang monastery. Arrested March 21, 1993. Sentenced to 11 years in prison. Currently held in Drapchi prison.

189. Ngawang Choglang: Age: 25. A monk of Sungrabling monastery. Arrested June 28, 1993. Sentenced to 5 years in prison. Currently being held in Drapchi prison.

190. Ngawang Dadrol: Age: 17. A nun of Garu monastery. Arrested between June 15 and 22, 1992. Sentenced to 6 years in prison. Currently held in Drapchi prison.

191. Ngawang Dawa: Age: 16. A monk of Drepung monastery. Arrested September 9, 1991. Sentenced to 6 years in prison. Currently held in Drapchi prison.

192. Ngawang Debam: Age: 24. A monk of Sera monastery. Arrested August 8, 1991. Currently held in Gutsa prison.

193. Ngawang Dedrol: Age: 23. A nun of Chubsang monastery. Arrested May 14, 1992. Currently held in Gutsa prison.

194. Ngawang Dedrol: Age: 24. A nun of Garu monastery. Arrested June 14, 1993. Sentenced to 7 years in prison. Currently being held in Drapchi prison.

195. Ngawang Dipsel: A monk of Drepung monastery. Sentenced to 4 years in prison. Currently being held in Drapchi prison.

196. Ngawang Dorje: Age: 21. A monk of Shedrupling monastery. Arrested August 12, 1992. Sentenced to 3 years in prison. Currently being held in Drapchi prison.

197. Ngawang Drolma: Age: 18. A nun of Michungri monastery. Arrested March 13, 1993. Currently held in Gusta prison.

198. Ngawang Gomchen: Age: 20. A monk of Drepung monastery. Arrested August 1991. Currently held in Gutsa prison.

199. Ngawang Gyaltsen: Age: 21. A monk of Sera monastery. Arrested May 3, 1991. A monk of Gutsa prison.

200. Ngawang Gyaltsen: Age: 36. A monk of Drepung monastery. Arrested April 4, 1989. Sentenced to 17 years in prison. Currently held in Drapchi prison.

201. Ngawang Gyatso: A nun of Toelung monastery. Arrested May 13, 1992. Currently held in Gutsa prison.

202. Ngawang Jamchen: Age: 24. A monk of Drepung monastery. Arrested September 27, 1991. Sentenced to 5 years in prison. Currently held in Drapchi prison.

203. Ngawang Jigme: Age 17. A monk of Drepung monastery. Arrested in September or October 1991. Sentenced to 6 years in prison. Currently held in Drapchi prison.

204. Ngawang Jigme: Age: 20. A monk of Medro monastery. Arrested June 6, 1993. Sentenced to 6 years in prison. Currently held in Drapchi prison.

205. Ngawang Jinpa: A monk of Sang-Ngag monastery. Arrested between December 2 and 7, 1994.

206. Ngawang Keldron: Age: between 19 and 22. A nun of Garu monastery. Arrested June 14, 1993. Sentenced to 5 years in prison.

207. Ngawang Kelsang: A nun of Nyemo Gyaltse monastery. Arrested June 1993.

208. Ngawang Kelzom: Age: 24. A nun of Garu monastery. Arrested June 14, 1993. Sentenced to 2–5 years in prison. Currently held in Drapchi prison.

209. Ngawang Kelzom: Age: 24. A nun of Chubsang monastery. Arrested June 14, 1993. Sentenced to 2 years in prison. Currently held in Drapchi prison.

210. Ngawang Khedup: Age: 24. A monk of Drepung monastery. Arrested June 15, 1992. Sentenced to 6 years in prison. Currently held in Drapchi prison.

211. Ngawang Kunsang: Age: 26. A nun of Garu monastery. Arrested in January or February 1990. Sentenced to 14 years in prison. Currently held in Drapchi prison.

212. Ngawang Kunsel: Age: 20. A nun of a Garu monastery. Arrested May 25, 1994.

213. Ngawang Kyema: Age: 23. A nun of Garu monastery. Arrested June 22, 1993. Sentenced to 4 years in prison. Currently held in Drapchi prison.

214. Ngawang Lamchen: Age: 23. A monk of Sungrabling monastery. Arrested June 28, 1993.

215. Ngawang Lamchung: Age: 22. A monk of Kyemolung monastery. Arrested December 12, 1992. Sentenced to 5 years in prison. Currently held in Drapchi prison.

216. Ngawang Lamdrol: Age: 19. A nun of Garu monastery. Arrested May 25, 1994.

217. Ngawang Ledoe: A monk of Sera monastery. Arrested 1983. Currently held in Gutsa prison.

218. Ngawang Legsang: Age: 22. A monk of Kyormolong monastery. Arrested 28, 1993. Sentenced to 5 years in prison. Currently held in Drapchi prison.

219. Ngawang Legshe: Age: 22. A monk of Kingka monastery. Arrested March 17, 1991. Sentenced to 4 years in prison. Currently held in Drapchi prison.

220. Ngawang Legyon: A monk of Sang-Ngag monastery. Arrested December 2 or 7, 1994.

221. Ngawang Lhaksam: Age: 24. A monk of Drepung monastery. Arrested May 13, 1992. Sentenced to 5 years in prison. Currently held in Gutsa prison.

222. Ngawang Lhundrup: Age: 22. A monk of Kingka monastery. Arrested April 1991. Sentenced to 6 years in prison. Currently held in Drapchi prison.

223. Ngawang Lhundrup: Age: 33. A monk of Drepung monastery. Arrested May 16, 1991. Currently held in Gutsa prison.

224. Ngawang Lhundrup: Age: 19. A monk of Shedrupling monastery. Arrested August 12, 1992. Currently held in Gutsa prison.

225. Ngawang Lobsang: Age: 23. A nun of Phenpo Namkar monastery. Arrested July 16, 1993. Sentenced to 5 years in prison. Currently held in Drapchi prison.

226. Ngawang Lochoe: Age: 23. A nun of Toelung monastery. Arrested May 14, 1992. Sentenced to 10 years in prison. Currently held in Drapchi prison.

227. Ngawang Losel: A monk of Sang-Ngag monastery. Arrested between December 2 and 7, 1994. Currently held in Taktse prison.

228. Ngawang Losel: A monk of Ganden monastery. Arrested June 4, 1993.

229. Ngawang Lungtok: Age: 19. A monk of Drepung monastery. Arrested May 13, 1992. Sentenced to 5 years in prison. Currently held in Drapchi prison.

230. Ngawang Namdrol: Age: 23. A nun of Toelung monastery. Arrested May 14, 1992. Sentenced to 7 years in prison. Currently held in Drapchi prison.

231. Ngawang Namling: Age: 28. A monk of Drugyal monastery. Arrested June 27, 1993. Sentenced to 5 years in prison. Currently held in Drapchi prison.

232. Ngawang Ngondron: A nun of Toelung monastery. Arrested May 13, 1992. Currently held in Gutsa prison.

233. Ngawang Ngon-Kyen: Age: 19. A monk of Nyethang monastery. Arrested between May 7 and 31, 1994.

234. Ngawang Nordrol: Age: 23. A nun of Samdrup Drolma monastery. Arrested May 14, 1992. Sentenced to 7 years in prison. Currently held in Drapchi prison.

235. Ngawang Nyidrol: Age: 23. A nun of Chubsang monastery. Arrested July 6, 1992. Sentenced to 3 years in prison. Currently held in Drapchi prison.

236. Ngawang Nyima: Age: 23. A nun of Garu monastery. Arrested between June 5 and 22, 1992. Sentenced to 4 years in prison. Currently being held in Drapchi prison.

237. Ngawang Nyima: Age: 22. A nun of Chubsang monastery. Arrested May 14, 1992. Currently held in Gutsa prison.

238. Ngawang Oeser: Age: 22. A monk of Drepung monastery. Arrested April 16, 1989.

Sentenced to 17 years in prison. Currently held in Drapchi prison.

239. Ngawang Palden: Age: 28. A monk of Dunbu monastery. Arrested August 28, 1992. Sentenced to up to 10 years in prison. Currently held in Drapchi prison.

240. Ngawang Palgon: Age: 33. A monk of Drepung monastery. Arrested June 15, 1992. Sentenced to 5 years in prison. Currently held in Drapchi prison.

241. Ngawang Palmo: Age: 22. A nun of Garu monastery. Arrested June 14, 1993. Sentenced to 3 years in prison. Currently held in Drapchi prison.

242. Ngawang Palsang: Age: 20. A monk of Medro monastery. Arrested June 6, 1993. Sentenced to 6 years in prison. Currently held in Drapchi prison.

243. Ngawang Pekar: Age: 29. A monk of Drepung monastery. Arrested March 1989. Sentenced to 8 years in prison. Currently held in Drapchi prison.

244. Ngawang Pelkyi: Age: 18. A nun of Garu monastery. Arrested June 22, 1992. Sentenced to 3 years in prison. Currently held in Trisam prison.

245. Ngawang Pema: A nun of Bumthang monastery. Arrested March 13, 1994.

246. Ngawang Pemo: Age: 22. A nun of Garu monastery. Arrested June 14, 1993. Currently held in Gutsa prison.

247. Ngawang Phulchung: Age: 34. A monk of Drepung monastery. Arrested April 16, 1989. Sentenced to 16 years in prison. Currently held in Drapchi prison.

248. Ngawang: Age: 21. A monk of Drepung monastery. Arrested May 15, 1992. Sentenced to 5 years in prison. Currently held in Drapchi prison.

249. Ngawang Phuntsog: Age: 22. A nun of Toelung monastery. Arrested May 14, 1992. Sentenced to 7 years in prison. Currently held in Drapchi prison.

250. Ngawang Phurdron: A nun of Toelung monastery. Arrested May 13, 1992. Currently held in Gutsa prison.

251. Ngawnag Rabjor: Age: 20. A monk of Drepung monastery. Arrested September 27, 1991. Sentenced to six years in prison. Currently held in Drapchi prison.

252. Ngawang Rigdrol: Age: 21. A nun of Garu monastery. Arrested between June 5 and 22, 1992. Sentenced to 6 years in prison. Currently held in Drapchi prison.

253. Ngawang Rigdrol: Age: 22. A nun of Phenpo Namkar monastery. Arrested July 17, 1993. Sentenced to 5 years in prison. Currently held in Drapchi prison.

254. Ngawang Rigzin: Age: 29. A monk of Drepung monastery. Arrested April 1989. Sentenced to 9 years in prison. Currently held in Drapchi prison.

255. Ngawang Samdrup: Age: 18. A nun of Garu monastery. Arrested June 17, 1992. Sentenced to 9 years in prison. Currently held in Drapchi prison.

256. Ngawang Samten: Age: 20. A nun of Garu monastery. Arrested June 5, 1992. Sentenced to 4 years in prison. Currently held in Drapchi prison.

257. Ngawang Samten: Age: 22. A monk of Drepung monastery. Arrested between March 9 and 11, 1991. Sentenced to 4 years in prison. Currently held in Drapchi prison.

258. Ngawang Sangden: A nun of Bumthang monastery. Arrested March 13, 1994.

259. Ngawang Sangdrol: Age: 18. A nun of Garu monastery. Arrested June 17, 1992. Sentenced to 9 years in prison. Currently held in Drapchi prison.

260. Ngawang Sangye: A monk of Ganden monastery. Arrested March 9, 1993. Currently held in Gutsa prison.

261. Ngawang Shenyen: Age: 25. A monk of Kyemolung monastery. Arrested March 18, 1989. Sentenced to 6 years in prison. Currently held in Drapchi prison.

262. Ngawang Sherab: Age: 23. A monk of Kyemolung monastery. Arrested June 16, 1993. Sentenced to 4 years in prison. Currently held in Drapchi prison.

263. Ngawang Sherab: Age: 24. A monk of Jamchen monastery. Arrested March 11, 1992. Sentenced to up to 10 years in prison. Currently held in Drapchi prison.

264. Ngawang Sonam: Age: 21. A nun of Chubsang monastery. Arrested June 14, 1993. Sentenced to 5 years in prison. Currently held in Drapchi prison.

265. Ngawang Songtsen: Age: 24. A monk of Jokhang monastery. Arrested March 1989. Sentenced to 7 years in prison. Currently held in Drapchi prison.

266. Ngawang Sothar: Age: 23. A monk of Drepung monastery. Arrested May 13, 1992. Sentenced to 5 years in prison. Currently held in Drapchi prison.

267. Ngawang Sungrab: Age: 20. A monk of Drepung monastery. Arrested September 27, 1991. Sentenced to 10 years in prison. Currently held in Drapchi prison.

268. Ngawang Tendrol: Age: 18. A nun of Toelung Ngengon monastery. Arrested May 14, 1992. Sentenced to 3 years in prison. Currently held in Drapchi prison.

269. Ngawang Tengye: Age: 23. A monk of Ganden monastery. Arrested May 1992. Sentenced to 5 years in prison. Currently held in Drapchi prison.

270. Ngawang Tenrab: Age: 37. A monk of Drepung monastery. Arrested March 16, 1992. Sentenced to 7 years in prison. Currently held in Drapchi prison.

271. Ngawang Tensang: Age: 21. A monk of Drepung monastery. Arrested September 14, 1991. Sentenced to 10 years in prison. Currently held in Drapchi prison.

272. Ngawang Tenzin: Age: 23. A nun of Chubsang monastery. Arrested May 16, 1992. Sentenced to 5 years in prison. Currently held in Drapchi prison.

273. Ngawang Tenzin: Age: 18. A monk of Kyemolung monastery. Arrested February 19, 1992. Currently held in Gutsa prison.

274. Ngawang Tenzin: Age: 21. A monk of Kyemolung monastery. Arrested March 18, 1989. Sentenced to 8 years in prison. Currently held in Drapchi prison.

275. Ngawang Thoglam: A monk of Sang-Ngag monastery. Arrested December 2 or 7, 1994. Currently held in Taktse prison.

276. Ngawang Thupten: Age: 18. A nun of Garu monastery. Arrested May 29, 1993.

277. Ngawang Thupten: Age: 19. A monk of Drepung monastery. Arrested September 10, 1991. Sentenced to 4 years in prison. Currently held in Drapchi prison.

278. Ngawang Trinley: Age: 27. A monk of Drepung monastery. Arrested May 13, 1992. Sentenced to 4 years in prison. Currently held in Drapchi prison.

279. Ngawang Tsamdrol: Age: 21. A nun of Toelung monastery. Arrested May 14, 1992. Sentenced to a total of 10 years in prison. Currently held in Drapchi prison.

280. Ngawang Tsangpa: Age: 21. A monk of Nyethang monastery. Arrested between May 27 and 31, 1994.

281. Ngawang Tsedrol: Age: 22. A nun of Chubsang monastery. Arrested May 14, 1992. Currently held in Gutsa prison.

282. Ngawang Tsondru: Age: 23. A monk of Drepung monastery. Arrested June 1, 1993. Sentenced to 6 years in prison. Currently held in Drapchi prison.

283. Ngawang Tsondru: Age: 26. A monk of Dingka monastery. Arrested March 17, 1991. Sentenced to 4 years in prison. Currently held in Drapchi prison.

284. Ngawang Tsultrim: Age: 24. A monk of Kyemolung monastery. Arrested March 18, 1989. Sentenced to 6 years in prison. Currently held in Drapchi prison.

285. Ngawang Tsultrim: A monk of Sera monastery. Arrested May 1993.

286. Ngawang Wangmo: A nun of Chubsang monastery. Arrested May 14, 1992. Currently held in Gutsa prison.

287. Ngawang Woeser: Age: 28. A monk of Dingka monastery. Arrested March 1991. Sentenced to 5 years in prison. Currently held in Drapchi prison.

288. Ngawang Yangchen: Age: 22. A nun of Chubsang monastery. Arrested August 12, 1992. Sentenced to 3 years in prison. Currently held in Drapchi prison.

289. Ngawang Yangdrol: Age: 23. A nun of Garu monastery. Arrested June 14, 1993. Sentenced to 5 years in prison. Currently held in Drapchi prison.

290. Ngawang Yangkyi: A nun of Tsangkhung monastery. Arrested August 21, 1990. Currently held at Drapchi hospital.

291. Ngawang Yangkyi: Age: 22. A nun of Garu monastery. Arrested June 4, 1993. Sentenced to 4 years in prison. Currently held in Drapchi prison.

292. Ngawang Yeshe: Age: 22. A monk of Serkhang monastery. Arrested February 11, 1992. Sentenced to 3 years in prison. Currently held in Drapchi prison.

293. Ngawang Zangpo: Age: 20. A monk of Drepung monastery. Arrested August 1991. Currently held in Gutsa prison.

294. Ngawang Zoepa: Age: 25. A monk of Rong Jamchen monastery. Arrested between September 11 and 19, 1992. Sentenced to up to 10 years in prison. Currently held in Drapchi prison.

295. Ngawang Zoepa: Age: 28. A monk of Dingka monastery. Arrested March 17, 1991. Sentenced to 5 years in prison. Currently held in Drapchi prison.

296. Norbu: Age: 20. A monk of Ganden monastery. Arrested March 9, 1993. Sentenced to 4 years in prison. Currently held in Drapchi prison.

297. Norbu: Age: 20. A monk of Yamure monastery. Arrested January 11, 1995.

298. Norgye: Age: 23. A monk of Rong Jamchen monastery. Arrested September 19, 1992. Sentenced to 4–5 years in prison. Currently held in Drapchi prison.

299. Norzang: Age: 15. A monk of Dunbu monastery. Arrested May 30, 1993.

300. Norzin: A nun of Shungsep monastery. Arrested December 9, 1993.

301. Nyidrol: A nun of Chubsang monastery. Arrested May 14, 1992. Currently held in Gutsa prison.

302. Nyima: Age: 28. A monk of Ganden monastery. Arrested April 2, 1994.

303. Nyima: Age: 18. A monk of Phurchok monastery. Arrested May 24, 1994.

304. Nyima Gyaltsen: Age: 23. A monk of Tsepak monastery. Arrested June 4, 1993. Sentenced to 6 years in prison. Currently held in Drapchi prison.

305. Nyima Tenzin: Age: 27. A monk of Pangpa monastery. Arrested December 29, 1993.

306. Nyima Tsamchoe: Age: 25. A nun of Garu monastery. Arrested June 22, 1992. Sentenced to 4 years in prison. Currently held in Drapchi prison.

307. Palden Choedron: Age: 19. A nun of Shungsep monastery. Arrested October 1, 1990. Sentenced to 9 years in prison. Currently held in Drapchi prison.

308. Pasang: Age: 24. A monk of Dunbu monastery. Arrested May 30, 1993.

309. Pasang: A monk of Dakpo monastery. Arrested January 1992. Currently held in Medro jail.

310. Pasang: Age: 15. A monk of Tsepak monastery. Arrested June 3, 1993. Currently held in Gutsa prison.

311. Passang: A monk of Drepung monastery. Arrested June 1993.

312. Pema Drolkar: Age: 18. A nun of Michungri monastery. Currently held in Gutsa prison.

313. Pema Oeser: Age: 16. A nun of Nagar monastery. Arrested August 17, 1993.

314. Pema Tsering: Age: 23. A monk of Serwa monastery. Arrested March 29, 1994.

Sentenced to 15 years in prison. Currently held in Powo Tramo prison.

315. Pendron: A nun of Shungsen. Arrested December 12, 1993.

316. Penpa: Age: 20. A monk of Ganden monastery. Arrested March 9, 1993. Sentenced to 3 years in prison. Currently held in Drapchi prison.

317. Penpa: Age: 19. A monk of Dunbu monastery. Arrested May 30, 1993.

318. Penpa: Age: 21. A monk of Sungrabling monastery. Arrested July 4, 1993. Sentenced to 3 years in prison. Currently held in Drapchi prison.

319. Penpa: Age: 22. A monk of Sungrabling monastery. Arrested July 4, 1993. Sentenced to 6 years in prison. Currently held in Drapchi prison.

320. Penpa Wangmo: Age: 20. A nun of Michungri monastery. Arrested February 13, 1992. Sentenced to 5 years in prison. Currently held in Drapchi prison.

321. Pepar: Age: 21. A monk of Ganden monastery. Arrested May 1992. Currently held in Gutsa prison.

322. Phetho: Age: 21. A nun of Chubsang monastery. Arrested August 18, 1991. Currently held in Gutsa prison.

323. Phuntsog: Age: 21. A monk of Drepung monastery. Arrested May 13, 1992. Sentenced to 8 years in prison. Currently held in Drapchi prison.

324. Phuntsog Changsem: Age: 18. A monk of Drepung Monastery. Arrested September 14, 1991. Sentenced to 8 years in prison. Currently held in Drapchi prison.

325. Phuntsog Chenga: Age: 22. A nun of Garu monastery. Arrested June 14, 1993. Currently held in Gutsa prison.

326. Phutsog Choedrag: A monk of Sang-Ngag monastery. Arrested December 2 or 7, 1994.

327. Phutsog Choejor: A monk of Sang-Ngag monastery. Arrested December 2 or 7, 1994.

328. Phutsog Choekyi: Age: 22. A nun of Garu monastery. Arrested June 14, 1993. Sentenced to 6–7 years in prison. Currently held in Drapchi prison.

329. Phuntsog Dadak: A monk of Drepung monastery. Arrested May 13, 1992. Sentenced to 4 years in prison. Currently held in Gutsa prison.

330. Phuntsog Demei: Age: 22. A monk of Drepung monastery. Arrested May 13, 199?. Sentenced to 8 years in prison. Currently held in Drapchi prison.

331. Phuntsog Dondrup: Age: 17. A monk of Drepung monastery. Arrested September 10, 1991. Sentenced to 4 years in prison. Currently held in Drapchi prison.

332. Phuntsog Gonpo: Age: 19. A monk of Drepung monastery. Arrested September 14, 1991. Sentenced to 5 years in prison. Currently held in Drapchi prison.

333. Phuntsog Gyaltsen: Age: 26. A monk of Ganden monastery. Arrested March 7, 1988. Sentenced to 12 years in prison. Currently held in Drapchi prison.

334. Phuntsog Jigdral: A monk of Sang-Ngag monastery. Arrested December 2 or 7, 1994. Currently held in Taktse prison.

335. Phuntsog Jorchu: Age: 26. A monk of Drepung monastery. Arrested August 1991. Sentenced to 5 years in prison. Currently held in Drapchi prison.

336. Phuntsog Legsang: Age: 21. A monk of Drepung monastery. Arrested May 13, 1992. Sentenced to 6 years in prison. Currently held in Drapchi prison.

337. Phuntsog Lochoe: Age: 24. A nun of Chubsang monastery. Arrested March 21, 1992. Sentenced to 7 years in prison. Currently held in Drapchi prison.

338. Phuntsog Lhundrup: A monk of Sang-Ngag monastery. Arrested December 2 or 7, 1994.

339. Phuntsog Namgyal: Age: 23. A monk of Drepung monastery. Arrested May 13, 1992. Sentenced to 6 years in prison. Currently held in Drapchi prison.

340. Phuntsog Nyidron: Age: 23. A nun of Michungri monastery. Arrested between October and December 1990. Sentenced to a total of 17 years in prison. Currently held in Drapchi prison.

341. Phuntsog Nyimgbu: A monk of Drepung monastery. Arrested October 1993. Currently held in Gutsa prison.

342. Phuntsog Pema: Age 23. A nun of Michungri monastery. Arrested between October and December 1990. Sentenced to 8 years in prison. Currently held in Drapchi prison.

343. Phuntsog Peyang: Age 27. A nun of Garu monastery. Arrested May 25, 1994.

344. Phuntsog Rigchog: Age 28. A monk of Nyethang monastery. Arrested May 31, 1994.

345. Phuntsog Samten: Age 24. A monk of Nyethang monastery. Arrested September 4, 1991. Sentenced to 10 years in prison. Currently held in Drapchi prison.

346. Phuntsog Samten: Age 23. A monk of Drepung monastery. Arrested May 13, 1992. Sentenced to 6 years in prison. Currently held in Drapchi prison.

347. Phuntsog Segyi: Age 22. A monk of Drepung monastery. Arrested May 13, 1992. Sentenced to 8 years in prison. Currently held in Drapchi prison.

348. Phuntsog Seldrag: Age 17. A monk of Nyethang monastery. Arrested May 31, 1994.

349. Phuntsog Tendon: Age 14. A monk of Nyethang monastery. Arrested May 31, 1994.

350. Phuntsog Thoesam: Age 23. A monk of Nyethang monastery. Arrested June 1, 1993. Sentenced to 7 years in prison. Currently held in Drapchi prison.

351. Phuntsog Thrinden: Age 19. A monk of Nyethang monastery. Arrested May 31, 1994.

352. Phuntsog Thubten: Age 30. A monk of Rame monastery. Arrested June 12, 1992. Sentenced to 5 years in prison. Currently held in Drapchi prison.

353. Thuntog Thutop: Age 20. A monk of Drepung monastery. Arrested September 14, 1991. Sentenced to 5 years in prison. Currently held in Drapchi prison.

354. Phuntsog Tsamchoe: Age 22. A nun of Chubsang monastery. Arrested March 3, 1992. Sentenced to 5 years in prison. Currently held in Drapchi prison.

355. Phuntsog Tsering: Age 20. A monk of Nyethang monastery. Arrested September 4, 1991. Sentenced to 5 years in prison. Currently held in Drapchi prison.

356. Phuntsog Tsomo: Age 19. A nun of Garu monastery. Arrested May 25, 1994.

357. Phuntsog Tsungme: Age 21. A monk of Sera monastery. Arrested May 26, 1991. Currently held in Gutsa prison.

358. Phuntsog Wangden: Age 23. A monk of Nyethang monastery. Arrested September 4, 1991. Sentenced to 5 years in prison. Currently held in Drapchi prison.

359. Phuntsog Wangdu: Age 25. A monk of Ganden monastery. Arrested June 18, 1993.

360. Phuntsog Wangmo: Age 21. A nun of Garu monastery. Arrested May 25, 1994.

361. Phuntsog Zoepa: Age 19. A monk of Nyethang monastery. Arrested May 31, 1994.

362. Phurbu: Age 19. A monk of Ganden monastery. Arrested October 10, 1989. Sentenced to 7 years in prison. Currently held in Drapchi prison.

363. Phurbu: Age 23. A monk of Ganden monastery. Arrested September 30, 1989. Sentenced to a total of 9 years in prison. Currently held in Drapchi prison.

364. Phurbu: Age 16. A monk of Tsepak monastery. Arrested June 3, 1993. Currently held in Gutsa prison.

365. Phurbu Tashi: Age 15. A monk of Dunbu monastery. Arrested May 30, 1993. Sentenced to 2 years, 6 months in prison.

366. Phurbu Tashi: Age. 20. A monk of Pangpa monastery. Arrested December 29, 1993.

367. Phurbu Tsamchoe: A nun of Tsangkhung monastery. Arrested June 10, 1991. Currently held in Gutsa prison.

368. Phurbu Tsering: A monk of Tashi Lhunpo monastery. Arrested June 15, 1993.

369. Rigzin Choekyi: Age: 24. A nun of Shungsepmonastery. Arrested August 1990. Sentenced to 12 years in prison. Currently held in Drapchi prison.

370. Rigzin Tsondru: A nun of Shungsep monastery. Arrested December 9, 1993.

371. Rinchen Drolma: Age: 23. A nun of Garu monastery. Arrested June 14, 1993. Sentenced to 2–4 years in prison. Currently held in Drapchi prison. Currently held in Drapchi prison.

372. Rinchen Sangmo: Age: 20. A nun of Garu monastery. Arrested June 22, 1992. Sentenced to 4 years in prison. Currently held in Drapchi prison.

373. Samten Choesang: Age: 20. A nun of Phenpo Namkar monastery. Arrested July 16, 1993. Sentenced to 6 years in prison.

374. Samten Sangmo: Age: 20. A nun of Phenpo Namkar. Arrested July 16, 1993. Sentenced to 5 years in prison. Currently held in Drapchi prison.

375. Seldroen: Age: 17. A nun of Shar Bumpa monastery. Arrested June 14, 1994. Currently held in Guta prison.

376. Shenyen Logsang: A monk of Kyemolung monastery. Arrested June 16, 1993.

377. Sherabl Drolma: A nun of Shungsep monastery. Arrested December 9, 1993.

378. Sherab Ngawang: Age: 12. A nun of Michungri monastery. Arrested February 3, 1992. Sentended to 3 years in prison. Currently held in Trisam prison.

379. Shilok: Age: 33. A monk of Dunbu monastery. Arrested March 30, 1992. Currently held in Tsethang prison.

380. Sodor: Age: 20. A monk of Lhoka monastery. Arrested August 16, 1989. Sentenced to a total of 7 years in prison. Currently held in Drapchi prison.

381. Sonam: A monk of Drak Yerpa monastery. Arrested August 1994. Sentenced to 5 years in prison. Currently held in Drapchi prison.

382. Sonam Bagdro: Age: 24. A monk of Ganden monastery. Arrested March 20, 1992. Sentenced to Gutsa prison.

383. Sonam Choephel: Age: 12. A monk of Cunbu monastery. Arrested May 30, 1993. Sentenced to 3 years in prison.

384. Sonam Drolkar: A nun of Dechen Khul monastery. Arrested May 16, 1992. Currently held in Gutsa prison.

385. Sonam Gyalpo: A monk of Tashilhunpo monastery. Arrested July 1, 1993.

386. Sonam Tenzin: A monk of Dakpo. Arrested January 1992. Currently held in Medro jail.

387. Sonam Tsering: Age: 20. A monk of Yamure monastery. Arrested January 11, 1995.

388. Sotop: Age: 23. A monk of Sungrabling monastery. Arrested March 1989. Sentenced to 7 years in prison. Currently held in Drapchi prison.

389. Tapsang: Age: 22. A nun of Sungsep monastery. Sentenced to 5 years in prison. Currently held in Gutsa prison.

390. Tashi Dawa: A monk of Ganden monastery. Arrested May 1992. Currently held in Gutsa prison.

391. Tendar Phuntsog: Age: 62. A monk of Potala monastery. Arrested March 8, 1989. Sentenced to up to 10 years in prison. Currently held in Drapchi prison.

392. Tenpa Wangdrag: Age: 49. A monk of Ganden monastery. Arrested March 7, 1988. Sentenced to 14 years in prison. Currently held in Powo Tramo prison.

393. Tenzin: Age: 23. A monk of Ganden monastery. Arrested June 1, 1993. Sentenced to 5 years in prison. Currently held in Drapchi prison.

394. Tenzin: Age: 20. A monk of Ganden monastery. Arrested May 7, 1992. Sentenced to 6 years in prison. Currently held in Drapchi prison.

395. Tenzin: Age: 24. A monk of Bu Gon monastery. Arrested January 13, 1994.

396. Tenzin Choekyi: Age: 19. A nun of Michungri monastery. Arrested March 11, 1993.

397. Tenzin Choekyi: A nun of Choebup monastery. Arrested June 28, 1993.

398. Tenzin Choephel: Age: 16. A monk of Ganden monastery. Arrested March 9, 1993. Currently held in Gutsa prison.

399. Tenzin Dekyong: Age: 15. A nun of Michungri monastery. Arrested March 13, 1993. Currently held in Gutsa prison.

400. Tenzin Dradul: Age: 18. A monk of Ganden monastery. Arrested March 9, 1993. Currently held in Gutsa prison.

401. Tanzin Drakpa: Age: 23. A monk of Dakpo monastery. Arrested December 6, 1991. Sentenced to 8 years in prison. Currently held in Drapchi prison.

402. Tenzin Dragpa: Age: 24. A monk of Ganden monastery. Arrested June 10, 1992. Sentenced to 8 years in prison. Currently held in Drapchi prison.

403. Tenzin Kunsang: A nun of Bumthang monastery. Arrested March 12, 1994.

404. Tenzin Namdrak: Age: 23. A monk of Phakmo monastery. Arrested August 13, 1993. Sentenced to 6 years in prison. Currently held in Drapchi prison.

405. Tenzin Ngawang: Age: 21. A nun of Michungri monastery. Arrested between August 12 and 21, 1990. Sentenced up to 5 years in prison. Currently held in Drapchi prison.

406. Tenzin Phuntsog: Age: 24. A monk of Ganden monastery. Arrested March 20, 1992. Sentenced to 6 years in prison. Currently held in Drapchi prison.

407. Tenzin Rabten: Age: 21. A monk of Shelkar monastery. Arrested June 14, 1993.

408. Tenzin Thupten: Age: 20. A nun of Michungri monastery. Arrested between August 12 and 21, 1990. Sentenced up to 14 years in prison. Currently held in Drapchi prison.

409. Tenzin Trinley: Age: 23. A monk of Dunbu monastery. Arrested November 7, 1992. Sentenced to 3–4 years in prison. Currently held in Drapchi prison.

410. Tenzin Wangdu: Age: 19. A monk of Ganden monastery. Arrested between June 10 and 13, 1992. Sentenced to 6 years in prison. Currently held in Drapchi prison.

411. Thapke: Age: 17. A monk of Dunbu monastery. Arrested May 30, 1993.

412. Tharpa: Age: 17. A monk of Phurchok monastery. Arrested May 24, 1994.

413. Thupten Geleg: Age: 16. A monk of Nyethang monastery. Arrested May 31, 1994.

414. Thupten Kelsang: Age: 18. A monk of Phurchok monastery. Arrested May 16, 1992. Sentenced to 6 years in prison. Currently held in Drapchi prison.

415. Thupten Kelsang: Age: 19. A monk of Lo monastery. Arrested May 4, 1992. Sentenced to 6 years in prison. Currently held in Drapchi prison.

416. Thupten Kunga: Age: 70. A monk of Rong Jamchen monastery. Arrested April 10, 1992.

417. Thupten Kunkhyen: Age: 17. A monk of Chideshol monastery. Arrested November 7, 1992. Sentenced to 3 years in prison. Currently held in Drapchi prison.

418. Thupten Kunphel: A monk of Drepung monastery. Arrested March 20, 1992. Currently held in Gutsa prison.

419. Thupten Monlam: Age: 20. A monk of Dunbu monastery. Arrested August 8, 1992. Sentenced to up to 10 years in prison. Currently held in Drapchi prison.

420. Thupten Phuntsog: Age: 26. A monk of Rame monastery. Arrested June 22, 1992. Sentenced to 5 years in prison.

421. Thupten Tsering: Age: 25. A monk of Sera monastery. Arrested May 19, 1993. Currently held in Seitru prison.

422. Thupten Tsondru: Age: 23. A monk of Chideshol monastery. Arrested April 6, 1992. Sentenced to 4 years in prison. Currently held in Drapchi prison.

423. Topgyal: Age: 21. A monk of Bu Gon monastery. Arrested February 1994.

424. Trinley Choedron: Age: 18. A monk of Drepung monastery. Arrested May 13, 1995. Sentenced to 3 years in prison. Currently held in Drapchi prison.

425. Trinley Choezom: Age: 18. A nun of Michungri monastery. Arrested February 3, 1992. Sentenced to 5 years in prison. Currently held in Drapchi prison.

426. Trinley Gyaltsen: Age: 16. A monk of Tsepak monastery. Arrested June 4, 1993. Sentenced to 3 years in prison. Currently held in Drapchi prison.

427. Trinley Gyamtso: Age: 24. A monk of Labrang monastery. Arrested September 1994.

428. Trinly Tenzin: A monk of Drepung monastery. Arrested either May 12 or 13, 1992. Sentenced to 3 years in prison. Currently held in Drapchi prison.

429. Tsamchoe: A nun of Garu monastery. Arrested June 1, 1992.

430. Tsamchoe: Age: 19. A nun of Nagar monastery. Arrested August 17, 1993.

431. Tsering: Age: 20. A monk of Dunbu monastery. Arrested between September and November 1992.

432. Tsering: A nun of Michungri monastery. Arrested March 11, 1993.

433. Tsering: Age: 23. A monk of Lhodrak monastery. Arrested June 28, 1993.

434. Tsering Choedron: A nun of Chubsang monastery. Arrested May 14, 1992. Currently held in Gutsa prison.

435. Tsering Choedron: A nun of Shungsep monastery. Arrested December 11, 1992.

436. Tsering Choekyi: A nun of Sungsep monastery. Arrested December 12, 1992.

437. Tsering Donden: Age: 26. A monk of Dunbu monastery. Arrested May 30, 1993.

438. Tsering Dondrup: Age: 25. A monk of Nyethang monastery. Arrested September 4, 1991. Sentenced to 5 years in prison. Currently held in Drapchi prison.

439. Tsering Phuntsog: Age: 26. A monk of Ganden monastery. Arrested March 20, 1992. Currently held in Gutsa prison.

440. Tsering Phuntsog: Age: 24. A monk of Palkhor monastery. Arrested in July or August 1990. Sentenced to 13 years in prison. Currently held in Drapchi prison.

441. Tsering Samdrup: Age: 21. A monk of Ganden monastery. Arrested June 19, 1994. Currently held in Gutsa prison.

442. Tsering Tashi: Age: 20. A monk of Sera monastery. Arrested May 26, 1991. Currently held in Gutsa prison.

443. Tseten: Age: 22. A nun of Garu monastery. Arrested January 1990. Sentenced to 6 years in prison. Currently held in Drapchi prison.

444. Tseten Ngodrup: Age: 19. A monk of Phagmo monastery. Arrested August 13, 1993. Sentenced to 4 years in prison. Currently held in Drapchi prison.

445. Tseten Nyima: A monk of Ganden monastery. Arrested May 1992.

446. Tseten Samdup: Age: 17. A monk of Ganden monastery. Arrested May 1992.

447. Tsetob: Age: 28. A monk of Bu Gon monastery. Arrested January 13, 1994.

448. Tsetse: Age: 47. A monk of Bu Gon monastery. Arrested January 13, 1994. Currently held in Chamdo prison.

449. Tsultrim Donden: Age: 23. A monk of Drepung monastery. Arrested May 12, 1992. Sentenced to 4 years in prison. Currently held in Drapchi prison.

450. Tsultrim Gyaltsen: Age: 23. A monk of Sungrabling monastery. Arrested July 5, 1993.

451. Tsultrim Nyima: Age: 21. A monk of Ganden monastery. Arrested May 1992. Currently held in Gutsa monastery.

452. Tsultrim Sherab: Age: 19. A monk of Sungrabling monastery. Arrested July 5, 1993.

453. Tsultrim Tharchin: A nun of Shungsep monastery. Arrested December 11, 1993.

454. Tsultrim Topgyal: Age: 20. A monk of Sungrabling monastery. Arrested June 28, 1993.

455. Tsultrim Zangmo: Age: 23. A nun of Shar Bumpa monastery. Arrested June 14, 1994.

456. Tsultrim Zoepa: Age: 23. A monk of Sungrabling monastery. Arrested July 5, 1993.

456. Walgon Tsering: A monk of Qinghai monastery. Arrested September 1994. Currently held in Hainan County prison.

457. Wangdu: Age: 22. A monk of Jokhang monastery. Arrested March 8, 1989. Sentenced to a total of 8 years in prison. Currently held in Drapchi prison.

458. Yangdron: A nun of Shungsep monastery. Arrested December 11, 1993.

459. Yangzom: Age: 23. A nun of Chubsang monastery. Arrested March 21, 1992. Currently held in Gutsa prison.

460. Yeshe Choezang: A nun of Shungsep monastery. Arrested December 11, 1993.

461. Yeshe Dolma: Age: 28. A nun of Shar Bumpa monastery. Arrested June 15, 1994.

462. Yeshe Drolma: Age 24. A nun of Chubsang monastery. Arrested August 12, 1992. Sentenced to 3 years in prison. Currently held in Drapchi prison.

463. Yeshe Dradul: Age: 24. A monk of Sungrabling monastery. Arrested March 13, 1989. Sentenced to 5–6 years in prison. Currently held in Drapchi prison.

464. Yeshe Jamyang: Age: 19. A monk of Serkhang monastery. Arrested February 11, 1992. Sentenced to 3–4 years in prison. Currently held in Drapchi prison.

465. Yeshe Jinpa: Age: 20. A monk of Sungrabling monastery. Arrested June 28, 1993.

466. Yeshe Kalsang: Age: 20. A monk of Gyaldoe monastery. Arrested June 6, 1993. Sentenced to 5 years in prison. Currently held in Drapchi prison.

467. Yeshe Khedrup: Age: 20. A monk of Ganden monastery. Arrested May 6, 1992. Sentenced to 6 years in prison. Currently held in Drapchi prison.

468. Yeshe Kunsang: A nun of Shungsep monastery. Arrested December 11, 1993.

469. Yeshe Ngawang: Age: 22. A monk of Sungrabling monastery. Arrested March 13, 1989. Sentenced to a total of 14 years in prison. Currently held in Drapchi prison.

470. Yeshe Samten: Age: 22. A monk of Kyemolong monastery. Arrested June 19, 1993. Sentenced to 5 years in prison. Currently held in Drapchi prison.

471. Yeshe Tsondu: A nun of Shungsep monastery. Arrested December 12, 1993.

July 3, 1995

[Primary Source: The Puebla Institute]

PROTESTANTS IMPRISONED AND DETAINED IN CHINA

1. Dai Gullang: Age: 45. Arrested August 25, 1993. Sentenced without trial to three years' ''reform through labor.'' Currently held in Xuancheng Labor Camp, Anhui province.

2. Dai Lanmei: Age: 27. Arrested August 25, 1993. Sentenced without trial to two years' ''reform through labor.'' Currently held in Xuancheng Labor Camp, Anhui province.

3. Fan Zhi: Arrested after August 1991.

4. Ge Xinliang: Age: 27. Arrested August 25, 1993. Sentenced without trial to two years' ''reform through labor.''

5. Guo Mengshan: Age: 41. Arrested July 20, 1993. Sentenced without trial to three years' ''reform through labor.'' Reportedly held at Xuancheng Labor Camp, Anhui province.

6. Jiang Huaifeng: Age: 61. Arrested late September 1994. Sentenced to two years' ''re-education through labor.'' Currently detained at Xuancheng Coal Mine Labor Reform Camp in southern Anhui.

7. Leng Zhaoqing: Arrested after August 1991.

8. Li Haochen: Arrested September 1993. Reportedly sentenced to three years' ''reform through labor.'' Originally held in Mengcheng county prison, but current whereabouts are unknown.

9. Liu Wenjie: Arrested July 20, 1993. Length of sentence unknown. Reportedly detained in Xuancheng Labor Camp, Anhui province.

10. Wang Yao Hua: Age: early 30s. Arrested 1993. Sentenced to three years' ''reeducation through labor.''

11. Wang Dabao: Arrested after August 1991.

12. Xu Hanrong: Arrested after August 1991.

13. Yang Mingfen: Arrested after August 1991.

14. Xu Fanian: Age: 51. Arrested late September 1994. Sentenced to two years' ''reeducation through labor.'' Currently detained in Xuancheng Coal Mine Labor Reform Camp, southern Anhui.

15. Zheng Shaoying: Arrested after August 1991.

16. Zhang Guanchun: Arrested after August 1991.

17. Zhang Jiuzhong: Arrested in 1993. Sentenced to two years' ''reform through labor.''

18. Zheng Lanyun: Arrested July 20, 1993. Reportedly detained in Xuancheng Labor Camp, Anhui province.

19. Gou Qinghui: Arrested June 3, 1994. Detained in Beijing.

20. Wang Huamin: Arrested June 3, 1994. Detained in Beijing.

21. Wu Rengang: Arrested June 3, 1994. Detained in Beijing.

22. Xu Honghai: Arrested June 3, 1994. Detained in Beijing.

23. Chen Zhuman: Age: 50. Arrested December 14, 1991. Sentenced without trial to three years' ''reeducation through labor.'' Reported detained in a prison in Quanzhou, Fujian.

24. Han Kangrui: Age: 48. Reportedly detained in Longtian town detention center.

25. He Xianzing: Age: 53. Arrested December 23, 1993. Reportedly detained in Jiangjing town detention center.

26. Lin Zilong: Age: 81. Arrested December 23, 1993. Reportedly held in administrative detention in Fuqing police station jail.

27. Yang Xinfei: Age: 67. Under police surveillance.

28. Bai Shuqian: Arrested 1983. Sentenced to 12 years' imprisonment. Reportedly detained in Kaifeng, Henan.

29. Du Zhangji: Arrested 1985. Sentenced to eight years in prison. Not known to have been released.

30. Geng Menzuan: Age: 65. Arrested July 9, 1983. Sentenced to 11 years in prison and five years deprivation of political rights.

31. He Suolie: Arrested 1985. Sentenced to five years in prison. Not known to have been released.

32. Kang Manshuang: Arrested 1985. Sentenced to four years in prison. Not known to have been released.

33. Pan Yiyuan: Age: 58. Arrested February 2, 1994. Reportedly detained in Zhangzhou Detention Center.

34. Qin Zhenjun: Age: 49. Arrested July 9, 1983. Sentenced to nine years' in prison. Reportedly released but movement is restricted and remains under police surveillance.

35. Song Yude: Age: 40. Arrested July 16, 1984. Sentenced to eight years' imprisonment. Released April 1992 but still deprived of political rights.

36. Wang Baoquan: Age: 67. Arrested July 9, 1983. Sentenced to six years' imprisonment. Reportedly released but still denied political rights.

37. Wang Xincai: Age: 31. Arrested July 9, 1983. Sentenced to 15 years' imprisonment. Currently held at Henan Provincial Prison No. 3, Yuzian.

38. Xu Yongze: Age: 52. Arrested April 16, 1988. Sentenced to three years' imprisonment. Released May 20, 1991. Remains under strict police surveillance and is reportedly forced to report periodically to the local Public Security Bureau.

39. Xue Guiwen: Age: 38. Arrested July 9, 1983. Sentenced to six years' imprisonment and deprived of political rights for 5 years. Released, but still deprived of political rights.

40. Zhao Donghai: Sentenced in 1982 or 1983 to 13 years' imprisonment.

41. Xu Fang: Age: 21. Arrested September 1993.

42. Chen Xurong: Arrested in May or June 1992. Sentenced to three years' ''reeducation through labor.'' Currently held in Wangcun, Zibo, Shandong province.

43. Fan Zueying: Arrested May or June 1992. Sentenced to two years' ''reeducation through labor.'' Currently held in Wangcun, Zibo, Shandong. Should have been released in 1994 but no release has been reported or confirmed.

44. Li Qihua: Arrested May or June 1992. Sentenced to three years' ''reeducation through labor.'' Currently held in Wangcun, Zibo, Shandong.

45. Li Cuiling: Arrested May or June 1992. Sentenced to three years' ''reeducation through labor.'' Currently held in Wangcun, Zibo, Shandong.

46. Liu Limin: Arrested May or June 1992. Sentenced to two years' ''reeducation through labor.'' Should have been released in 1994 but no release has been reported or confirmed.

47. Liu Ping: Arrested May or June 1992. Sentenced to three years' ''reeducation through labor.'' Currently held in Wangcun, Zibo, Shandong.

48. Qin Zingcai; Arrested May or June 1992. Sentenced to three years' ''reeducation through labor.'' Currently held in Wangcun, Zibo, Shandong.

49. Sun Faxia: Arrested May or June 1992. Sentenced to two years' ''reeducation through labor.'' Should have been released in 1994 but no release has been reported or confirmed.

50. Sun Fuqin: Arrested May or June 1992. Sentenced to two year's ''reeducation through labor.'' Should have been released in 1994 but no release has been reported or confirmed.

51. Sun Jingxiu: Arrested May or June 1992. Sentenced to two years' ''reeducation through labor.'' Should have been released in 1994 but no release has been reported or confirmed.

52. Wang Guiqin: Arrested May or June 1992. Sentenced to three years' ''reeducation through labor.'' Currently detained in Wangcun, Zibo, Shandong.

53. Wu Xiuling: Arrested May or June 1992. Sentenced to three years' ''reeducation through labor.'' Currently held in Wangcun, Zibo, Shandong.

54. Yang Zhuanyuan: Arrested May or June 1992. Sentenced to three years' ''reeducation through labor.'' Currently held in Wangcun, Zibo, Shandong.

55. Zheng Jikuo: Arrested June 1992. Sentenced to 9 years' imprisonment. Held in an unknown location.

56. Zheng Yunsu: Arrested June 1992. Sentenced to 12 years' imprisonment. Reported held at the Shengjian Motorcycle Factory labor camp near Jinan city.

57. Zheng (given name unknown): Son of Zheng Yunsu (No. 56). Arrested June 1992. Sentenced to five years' imprisonment. Held in an unknown location.

58. Zheng (given name unknown): Son of Zheng Yunsu (No. 56). Arrested June 1992. Sentenced to five years' imprisonment. Held in an unknown location.

59. Zhou Wenxia: Arrested May or June 1992. Sentenced to two years' ''reeducation through labor.'' Should have been released in 1994 but no release has been reported or confirmed.

60. Pei Zhongxun: (Korean name: Chun Chul) Age: 76. Ethnic Korean. Arrested August 1983. Sentenced to 15 years' imprisonment. Currently held in Shanghai Prison No. 2.

61. Xie Moshan: (Moses Xie) Age: early 70s. Arrested April 24, 1992. Released July 23, 1992 but movements are severely restricted and he is required to report periodically to the local Public Security Bureau. Mail is regularly intercepted and read by local authorities.

62. He Chengzhou: Reportedly had a bounty for his capture (dead or alive) placed on his head in early 1992.

63. Lalling (given name unknown): Reportedly being held in the Yunan State Prison near the Burmese border.

64. Nawlkung (given name unknown): Reportedly being held in the Yunan State Prison near the Burmese border.

65. Wang Jiashui: Reportedly had a bounty for his capture (dead or alive) placed on his head in early 1992.

Mr. HAMILTON. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in strong support of the resolution. What the resolution does is, it enables us to voice our very serious concerns about various Chinese policies and actions, while at the same time underscoring our desire for a good Chinese-American relationship.

I want to try to put this United States-China relationship into context. That relationship is of enormous importance to the United States and to international peace and security. It is a very complex relationship, and it is extremely difficult to manage. We have very tough disagreements and issues with the Chinese on human rights and nonproliferation and trade. It seems to me what we in the Congress ought to be doing is helping the President manage that difficult relationship. We should not make that relationship more difficult.

Let me be very blunt about it. Good Chinese-American relations are very much in the interest of the United States for several reasons.

China, already the largest country in the world, now possesses one of the world's largest economies as well. As a permanent member of the United Nations Security Council, China is not only a key country in Asia but has a significant impact on United States efforts to resolve an array of problems far removed from Asia. China is one of the world's five acknowledged nuclear weapons states. United States efforts to halt the spread of weapons of mass destruction can succeed only if China cooperates with us and the rest of the international community.

China has the world's largest standing army whose capabilities have been significantly enhanced in recent years. Stability throughout East Asia depends in large measure on Chinese intentions and objectives which are themselves in part a function of Beijing's ties with Washington.

On the economic front, American exports and American jobs are dependent upon good relations with China. Last year we sold $9 billion worth of goods to China. These exports supported 180,000 high-wage American jobs. We ignore the affairs of Asia and China at our peril. Three times in the past half century, young American men and women have laid down their lives in Asian wars. It is impossible to envision a coherent Asian policy for the United States without a policy of continual engagement with China. The United States will be greatly handicapped in promoting its interests in Asia unless we enjoy at least a decent relationship with the Chinese.

That is what this resolution is all about. It is supported by both those who support MFN for China and those who oppose MFN. But for the first time in 6 years, this House is able to speak on China with a single voice, and that is a highly welcome development.

When we frequently hear in this country conflicting signals about our views on China, there can be no misunderstanding how this House feels about China and the resolution puts it forward very clearly.

We believe China is a terribly important country with a bright future. We hope to have cordial relations with the people of China and with their government. Nonetheless, there are a lot of actions by the Chinese Government that cause us grave concern. We must balance multiple interests when we deal with China: Promoting human rights and democracy, securing China's strategic cooperation in Asia and the United Nations, controlling proliferation of weapons of mass destruction, expanding United States economic ties. An engagement with China, rather than isolation, is most likely to promote those varied United States interests. That is the message this resolution conveys.

I suspect none of us are pleased with every single clause in the resolution. But on balance, I believe this resolution does an admirable job reconciling the various points of view of Members.

There are many in this Chamber who deserve high praise for their work on this: The gentleman from Nebraska [Mr. BEREUTER], the gentleman from California [Mr. DREIER], the gentleman from California [Mr. MATSUI], the gentleman from Virginia [Mr. WOLF], the gentlewoman from California [Ms. PELOSI], and many others. I commend them for their work.

This resolution is good for America. It is good for American interests. It places the House of Representatives clearly on the side of economic and political reform in China, while recognizing that the best way to encourage that reform is through a policy of engagement.

I urge my colleagues to vote ''yes'' on the Bereuter resolution.

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

Mr. BEREUTER. Mr. Speaker, I thank the distinguished gentleman from Indiana for his excellent statement and for his help.

Mr. Speaker, I yield 3 minutes and 30 seconds to the gentleman from Arizona [Mr. KOLBE], one of the great experts in the Congress of the United States.

Mr. KOLBE. Mr. Speaker, by now it is apparent that the United States-China bilateral relationship is in the worst shape it has been in at least a decade and continues in a downward spiral. The Chinese—in the throes of a prolonged leadership transition—have done little to stem the deterioration. The prolonged detention of Harry Wu, an American citizen, is unwarranted and all of us condemn it. With our vote on this bill today, we have an opportunity to send a strong message to the Chinese that such actions are repugnant to the American commitment to human rights and our sense of justice. Thus, I enthusiastically urge my colleagues to support H.R. 2058.

This bill, the China Policy of 1995, condemns the actions of the Chinese Government on issues such as its continued violation of internationally-recognized standards of human rights and nuclear nonproliferation as well as its discriminatory and unfair trade practices. It directs the administration to pursue intensified diplomatic initiatives to persuade China to alter its policies.

Just as important, and unlike the annual efforts to revoke China's most-favored-nation trade status, this bill does not jeopardize our political and economic relationship in a way that could well prove counterproductive for both nations and undermine our ability to cooperate with China on critical national security issues, such as nuclear proliferation issues in North Korea.

I am proud to be an original cosponsor of this legislation. It is important that we let Beijing know its abhorrent human rights, nuclear proliferation, and trade actions will not go unnoticed. However, at the same time, we must also help those within China intensify the pressure now building for political and social change.

I believe that we can accomplish this and promote human rights in China by engaging them increasingly in trade and economic relations. This policy requires extension of MFN. That is not a contradiction of terms or of policy. The best foreign policy tools available to us to encourage political reform abroad are policies that promote capitalism and economic opportunity. Such policies are powerful levers for political change precisely because they are powerful levers for economic change. That is a policy that has worked successfully in such diverse countries as South Africa, Korea, Taiwan, and Chile.

Our foreign policy toward China should embrace tools of reform and change—not condition them. These are precisely the tools we can use to promote the evolution of Chinese society so that its people can press for political reform from within. They are the tools to stimulate Chinese society to adopt a more pluralistic and democratic political process. That, in turn, will inevitably lead to a greater respect for human rights and personal liberty. There are examples previously mentioned that support this proposition. One concrete result of economic liberalization in China is the way that it has spawned a parallel civil justice system based on the rule of law, rather than rule by law. While some may question whether increasing the number of lawyers in China is true reform, I would argue that it is if the contract law that develops and other legal reforms lead to parallel development of law that protects human rights. Will it? None of us can say with certainty, but history suggests that it will.

Revocation of trade with China would almost certainly retard—not promote—the cause of human rights in China. United States economic sanctions would harm the emerging Chinese private sector and the dynamic market-oriented provinces in southern China, which depend on trade. This would weaken the very forces in Chinese society pressing hardest for reforms. We must not undermine the brave efforts of reform-minded Chinese who have come to depend on economic opportunity as a means of ultimately achieving political freedom in China. Lasting reform in China can only be driven from within. We must continue to work toward that end.

The United States-China relationship is very complex. There is no country on this globe that has brought more fascination or caused greater aggravation to Americans than China, but none of us doubt the potential for good in this world that will flow from improved political and economic relations. Today, we agonize over how we can promote human rights in China, advance peace in Asia, and protect our own national security interests in that region. But, in this debate, let us not lose sight of the common goals which should unite all of us.

Again, I urge my colleagues to vote ''yes'' on H.R. 2058.

□ 1215

Mr. BEREUTER. Mr. Speaker, it is my pleasure to yield 2 minutes to my neighbor, the gentleman from Iowa [Mr. LIGHTFOOT], a subcommittee chairman of the Committee on Appropriations.

Mr. LIGHTFOOT. Mr. Speaker, I rise today in support of the alternative bill offered by Mr. BEREUTER and in opposition to House Joint Resolution 96.

I think everyone agrees that improving human rights in China is a priority, and I know people on both sides of this issue are eager to see the end of human rights violations in China. But, while this is an important issue for the United States to pursue, it is not the only issue at stake and I firmly believe we will not and cannot improve human rights by revoking MFN.

As you know, on May 26, 1994, President Clinton announced his decision to

delink human rights issues in China from the extension of MFN. By Executive order, later endorsed by Congress, the President proposed a policy of broad, comprehensive engagement with China.

The President's decision, which I fully support and applaud, recognizes the fact that denying China MFN status will not prompt Chinese leaders to improve human rights conditions. In the short term, it will only harm the economies of both the United States and China. In the long term it would give European and Japanese businesses a competitive advantage, allowing them greater access to the China's huge market of 1.2 billion people.

Mr. BEREUTER's bill offers a constructive alternative for all of us who have serious concerns about human rights, weapons proliferation, abuse of American citizens in China, and other critical issues between the United States and China. I am pleased to support this bill, and urge the administration to act quickly and earnestly to fulfill its requirements. If we treat China as an enemy, it will react as an enemy. Keeping our eye on the big picture is key to a successful relationship. A little tough love never hurt anyone.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas [Mr. BENTSEN].

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

Mr. Speaker, I rise in support of a policy of frank and constructive engagement with China and its 1.2 billion citizens. I believe this policy can best be carried out both by renewing China's most favored nation trading status and by approving the legislation before us expressing strong disapproval of China's human rights abuses. I commend the Members involved in this debate for coming together for a policy which is good for the Chinese people and America.

Like many of my colleagues, I am frustrated by the Chinese Government's lack of progress toward democracy and respect for the rights of its own people. I am angry about the detention of Harry Wu, and I join the administration and my colleagues in condemning the detention of this American citizen in the strongest possible terms, and demanding his immediate release.

But I believe it would be a mistake to isolate China from the world community through actions such as denial of MFN. China is experiencing tremendous turmoil. Its government is in transition. Its market economy continues to expand, which I believe will lead to an inevitable clash between the freedom of the market and the lack of freedom in China's political system. We must do everything we can to ensure that when that clash occurs, freedom wins—freedom in the marketplace and freedom at the ballot box.

I believe that constructive economic engagement with the people of China will encourage such freedom.

But I also believe that we must be frank and forceful when we disagree with the policies of the Chinese Government. The bill put forth by Mr. BEREUTER and Mr. HAMILTON accomplishes both goals, and I urge my colleagues to support the legislation.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California [Ms. ESHOO].

Ms. ESHOO. Mr. Speaker, I rise in support of H.R. 2058, the Bereuter-Wolf bill which sets forth a clear policy on China by the Congress, and requires the President to report back to Congress every 6 months on the progress China is making toward achieving democracy as we reward them with MFN status.

It sets forth international standards of conduct on nuclear proliferation, international standards on human rights, and the lack of access to their markets.

Last year Members of Congress were told that the provision of most favored nation [MFN] for China would give an incentive to Chinese leaders to be responsible with respect to how they treat their citizens and address the trade deficit.

Since then, thousands of Chinese have been wrongfully imprisoned and persecuted and the Chinese leadership has continued to prevent freedom of association, speech, and religion.

Although China is going through political and social changes, its leaders must know that the United States stands firm in our defense of the basic principles upon which our democracy was founded—freedom of speech, freedom of religion, and freedom of affiliation. The detention of Harry Wu, an American citizen and a Hoover Institute scholar from Stanford University, which I am privileged to represent, and a globally recognized human rights leader is the most recent example of how oppressive the Chinese Government is.

This resolution addresses the significant economic inequities which exist between our two countries. In 1989 the trade deficit was $6 billion; today it is closer to $40 billion. Our trade deficit with China will exceed our trade deficit with Japan in the next few years if we do not forge a clear policy to deal with it.

But the most valuable export our great Nation has is democracy and the best lesson in democracy we can give the world are the standards upon which our democracy rests and celebrates.

I urge my colleagues to support the Bereuter-Wolf bill, which will send a strong and clear message to the Chinese leadership that the Congress of the United States insists on these values in return for granting most-favored-nation status.

Mr. BEREUTER. Mr. Speaker, it is my pleasure to yield 2½ minutes to the gentlewoman from Washington [Ms. DUNN], who has been very active on trade issues.

Ms. DUNN of Washington. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of the Bereuter-Wolf bill, which sends a strong, and appropriate, message to China without jeopardizing United States national interests or United States workers.

China's continued human rights abuses are an unavoidable issue in United States-China relations. We Americans care deeply about certain inalienable rights. However, linking trade policy to these concerns by new threats to withdraw MFN for China's shortcomings would be highly counterproductive to our long-term national interests and to the release of Mr. Harry Wu.

Our Nation's trading practices and policies have been the subject of lively debate in America since the birth of our Nation. And on this particular question—MFN for China—we have wrestled for years.

The China MFN issue has been hung up on two competing policy goals: Is our goal to maximize our own United States jobs? Or is it to make the cause of human rights primary as a means to achieving our best long-term interests?

The answer, I believe, is both. The goals are not mutually exclusive.

For instance, I believe all of us can agree that compassion for the suffering in China is useless if our policy has no effect other than to put our own people out of work. We have made no difference in the life of those suffering overseas while only increasing the numbers of those suffering here at home.

Mr. Speaker, I believe, these criteria must become our compass. We should extend MFN to a nation if: They allow U.S. investors and advisors in, the rule of law is advancing in that country, a multilateral action is unattainable or unsustainable, or we have that nation's assistance on a critical geopolitical issue.

Conversely, we should deny MFN status to governments abusing their people only if an effective multilateral action is doable and the U.S. can expect no help from that government on other critical geopolitical issues, if they do not allow U.S. employers or advisors into their country, and if they do not respect the rule of law.

Mr. Speaker, the genius of the Bereuter-Wolf bill is that we give full voice to our American concerns for human rights without self-defeating linkage to trade policy. That is the appropriate response, and I want to thank both Mr. BEREUTER and Mr. WOLF for crafting this solution.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, I rise today in support of the Bereuter-Wolf-Pelosi bill. I commend these sponsors for their commitment to this issue and willingness to reach compromise language. H.R. 2058 sends a strong signal

that this Chamber is deeply concerned about certain and specific activities currently occurring in the People's Republic of China. In addition to human rights issues, this bill addresses our diplomatic relationship and other pressing issues such as weapons proliferation prison labor and unfair trade practices.

All of us on this floor today share deep concerns about the continuing problems related to the rights and treatment of Chinese citizens. I recently signed a letter with over 70 of my colleagues—from both sides of the aisle—calling on China's Premier to immediately release Mr. Harry Wu.

Each year we debate the issue of China and more specifically the extension of most-favored-nation status to China [MFN]. At this juncture, I have never believed that disapproving extension of MFN would improve conditions in China.

For many years, it has been my fear that failure to extend MFN would significantly weaken our political and economic position with the central government in China. China's economic growth is booming. Its economy is expected to double by the year 2000 and will be the biggest economy into the next century. Recent growth has been driven by private- and foreign-owned enterprise surpassing state-run enterprises plagued by performance and financial problems. Economic reforms aided by foreign investment and expertise have rerouted economic power from state-run industry. Change is occurring everywhere. One can see clearly the successes of United States investment particularly in southern China and its spreading. Due to its high rate of growth, China will need to replace its aging infrastructure. The potential market for high technology and services, for example, is enormous. China will need to purchase power generating equipment, aerospace and telecommunications equipment to name a few. And we should be there.

Already we have seen shifts in the dynamics of China's Government structure. Central government control over the daily lives of Chinese citizens is weakening as economic liberalization has led to greater autonomy, expansion of basic freedoms, and improved standards of living for Chinese citizens.

China is currently undergoing domestic change both politically and economically. Furthermore, the United States-China relationship is clearly in transition. But that should not preclude us from pursuing engagement with the Chinese at all levels.

Clearly, advancing human rights must remain a priority of U.S. foreign policy. The United States-China trade relationship has increased the exposure of the Chinese people to Western cultural influences and business principles. Trade and investment are part of a greater effort to promote long-term progress toward political pluralism and democracy in China. To revoke MFN would sever our economic relationship and would remove one of our most successful means of influence in China to date.

Again, I commend my colleagues for reaching agreement and putting forth this language. I urge my colleagues to support this measure and maintain MFN for China.

Mr. BEREUTER. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from North Carolina [Mr. FUNDERBURK], a member of the Committee on International Relations and a former Ambassador.

Mr. FUNDERBURK. Mr. Speaker, I may have to be the only person in the House to have to say this and do this, but having lived 6 years in a harsh Communist dictatorship, I cannot silently stand by and do nothing. When you have witnessed pastors and priests being killed, churches being bulldozed, and Bibles being turned into toilet paper, you learn how not to deal with Communist dictators.

Mr. Speaker, the legislation before us is just what Beijing ordered. Here we have legislation filled with tough-sounding but meaningless threats. This has a laundry list of demands from the Beijing Communists, ranging from asking the President to undertake new initiatives to persuade the Chinese to treat their people humanely to asking them to stop their accelerating military expansion.

I ask, Mr. Speaker, when has any Communist regime responded to friendly requests to change its behavior? Pass the Bereuter bill and all Members will hear from the Communist will be the laughs of doddering old rulers who will once again have put one over on Uncle Sam. This bill will not free one dissident, it will not close one slave camp, it will not stop the purchase of one new Soviet-made submarine. As the philosopher said, this is nonsense on stilts.

□ 1230

The deal worked out, with the possible exception of Radio Free Asia is meaningless. We ask, we request, we hope, we dream. Let's get real.

Where is the enforcement mechanism? There is none. MFN aid goes to Communist elites who line their pockets. It never goes to the people. MFN perpetuates the Communist dictatorship in power. An engagement policy did not bring about the fall of communism. Engagement via MFN keeps the Communist elites in power and perpetuates persecution, murder, and gulags.

It was building up U.S. defense and U.S. determination, peace through strength, SDI that won the cold war, not appeasement, not engagement, not stability, rhetoric. You do not stop dictatorships by preemptively caving in to their demands.

Unfortunately, they do not talk or act tough at Foggy Bottom. As Senator Richard Russell said, we need an American desk at the State Department and in the U.S. Government.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Massachusetts [Mr. NEAL].

Mr. NEAL of Massachusetts. Mr. Speaker, it is once again the time of year we discuss the renewal of MFN for China. In the past, we have attempted to link human rights to the renewal of MFN. Last Congress, we made the decision to renew MFN and to pursue other courses of action to improve human rights in China.

At this point in time, it would be counterproductive to revoke MFN status for China. Economic liberalization is a key element for improving human rights. The opening of the markets in China will provide higher wages and a better way of life for Chinese citizens. Usually, improved economic conditions help improve human rights.

American businesses conducting business in China should set an example. We need to be leaders on the issue of human rights. Our businesses need to be a model of excellence on human rights.

Human rights is an extremely important issue. Basically, it is the dignity of an individual. I commend Congressmen BEREUTER and HAMILTON for introducing H.R. 2058. This legislation reminds China that we have not forgotten about their current human rights situation.

This measure demands the immediate release of Harry Wu. In addition, the legislation recognizes various areas in which China has made human rights violations. This legislation requires the President to take action to improve the situation. The President will be required to report his progress within 30 days of enactment.

I urge you to support this legislation. This legislation states that human rights is still a priority.

Mr. BEREUTER. Mr. Speaker, I yield 1½ minutes to the gentleman from Washington [Mr. WHITE], who has already become very active on trade issues in the Congress.

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

Mr. Speaker, my district overlooks both sides of the shipping lanes of Puget Sound. It is one of the biggest trading districts in the United States. China is our biggest trading partner. Every year there are billions of dollars coming into my district because of trade with China.

But, Mr. Speaker, that is not a good enough reason for me to vote for most-favored-nation status for China. We should not sell the Chinese people into slavery just to bring trading profits into our district.

Mr. Speaker, the reason to vote for this bill is because it is the only way to bring the Chinese people out of slavery. We have seen plenty of examples of that in recent history. In Eastern Europe, in Tiananmen Square, it is only after expanded contacts with the West that we see the people themselves rising up and demanding human rights from their own governments.

Mr. Speaker, it is the fax machine, not the trade sanction, that freed Eastern Europe, and it is the fax machine, not the trade sanction, that will free China.

I ask my colleagues, do not vote for this bill because it is going to bring trading profits to the United States. Vote for this bill because it is the best way, really the only way, to bring freedom, human rights, and prosperity to the Chinese people.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana [Mr. ROEMER].

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

Mr. ROEMER. Mr. Speaker, it is said that the definition of a successful life is helping one person breathe easier. In those terms, I think Harry Wu is a hero because he has breathed life into a nation, into China, with his courage to fight against the human rights abuses over there.

As a strong supporter of MFN, I strongly condemn the Chinese Government for incarcerating Mr. Wu. I call on the Chinese to unconditionally and immediately release Mr. Wu from prison. This is important to strong supporters of MFN, to opponents of MFN, and to the American people. I hope the Chinese people and government are listening.

We will continue to work on this for hours and days and weeks after this resolution. With this in mind, Mr. Speaker, it is important to note from Madison to Kissinger and Nixon, our foreign policy is not based upon one person but on 3 pillars: on human rights, on economic interests, and on national security interests.

When we combine all three of those, I think we have a compelling case that we must continue to engage the Chinese, to push them and leverage them toward human rights improvements, toward opening their markets, because it is in our interests, our human rights interests, our economic interests and our middle-class job interests. Who is going to sell the next semiconductor computer chip to the Chinese? Are we just going to tell the Japanese they can have that market? Who is going to sell the next high-definition television? It is going to be an American high-definition television produced in America, and we are going to get the benefit by that.

I thank the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from Indiana [Mr. HAMILTON]. My respect goes out to the gentleman from Virginia [Mr. WOLF] and the gentlewoman from California [Ms. PELOSI].

Mr. BEREUTER. Mr. Speaker, I yield 2½ minutes to the gentleman from California [Mr. GALLEGLY], a distinguished and active member of the Committee on International Relations.

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

Mr. Speaker, I rise today, as a cosponsor, and in strong support of H.R. 2058, the China Policy Act introduced by our colleague from Nebraska and the chairman of the East Asian Subcommittee, Mr. BEREUTER.

With the end of the cold war in Europe and the transformation of Russia into a democratic government with an open market economy we must now turn our attention to China with the intent of achieving the same results.

The emergence of China as a great political and economic force and a nuclear super-power poses an enormous challenge to this nation both strategically and economically. The need for the United States to develop an open, aggressive, cohesive, and consistent policy toward Beijing is of paramount importance.

This is not to say we should close our eyes or turn a deaf ear to the unacceptable behavior of the regime in Beijing. Clearly, their poor human rights record, their recent military actions with respect to the Spratly Islands, their sale of M–9 missiles to Pakistan and perhaps Iran, their unwillingness to renounce the use of force against the Republic of Taiwan, and the recent jailing of American citizen, Harry Wu, defies every international norm and standard governing missile proliferation, the use of military force, and human rights.

However, denying most-favored-nation status at this time is not the way to actively engage the Chinese and to encourage reform, openness and respect for international standards of behavior.

The expression of our concern is what H.R. 2058 attempts to do. It says that we in this Congress do not accept China's current behavior and that we call on the President to intensify diplomatic efforts to encourage China to moderate its intolerable internal human rights policies and to respect external international norms.

I believe open dialog and continued diplomatic and economic contact is the best way to provide the United States the opportunity to promote internal economic reform, political liberalization, and respect for human rights in China. Without this constructive engagement, China is less likely to move toward the role of the responsible world power we would like China to become.

I urge the Members to vote for H.R. 2058 and against the resolution of MFN disapproval.

Mr. BEREUTER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Wisconsin [Mr. ROTH], who is chairman of the Subcommittee on International Economic Policy and Trade.

Mr. ROTH. Mr. Speaker, I thank my friend from Nebraska for yielding me the time. I want to congratulate the gentleman in the chair for the great job he is doing.

Mr. Speaker, I am going to vote for this bill. This is a good bill. It is not a perfect bill, but I think it is the right approach. The question we hear often here in Congress is, just how long do we have to put up with the misguided conduct of the Chinese? How long? Well, just as long as we put up with it. We have all the leverage in our hands.

We have a $29 billion trade deficit with China, the second largest trade deficit with any country in the world. This year we are having a huge trade deficit, the largest in American history. We buy most of their exports. In fact, half of the Chinese exports come right here to the United States, to the detriment, I may say, many times of our workers and to the detriment of our trade deficit.

We have all the leverage. We have all the chips. The question is, do we have the will? Maybe if we had a little reciprocity before, a little tit-for-tat before, we would not have to pass this bill today. Mr. Wu would be here; an American citizen would be here in the United States where he belongs.

This bill sets forth what we expect from China. The President will report, as I interpret this bill, every 6 months on the initiative in 8 areas. We must be faithful to the goals and the commitments that we have as a Nation. I think this bill helps focus on that.

I hear others tell us that China is a giant but that we are unwilling to confront a China today. I do not think that is the case. I think we are willing to stand up for what we believe in. I think this bill helps us do that.

After all, we have to have the courage of our convictions. A great writer wrote, ''Hope is lost, much is lost. Courage is lost, all is lost.'' That is why I think this bill is the right approach. It is a measured approach.

This bill sets forth, I think, the right temper, the right approach, and I would hope that other people would endorse it and vote for this bill because I think it is the best approach, the right direction for America to take in these times.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 4 minutes to my friend and colleague the distinguished gentleman from California [Mr. LANTOS].

Mr. LANTOS. Mr. Speaker, I thank my good friend, the gentleman from Florida, for yielding me the time.

Mr. Speaker, this House is united in wanting to have good relations with China. This House is united in recognizing how important China is. But this House is divided in deciding how we can see to it that China's abominable human rights policy, China's continued sale of weapons of mass destruction to highly questionable countries, and China's one-sided trade policy with the United States come to an end.

There is no dispute that China has one of the worst human rights records on the face of this planet. Since human rights were ''de-linked'' from the issue of giving them most-favored-nation treatment 1 year ago, human rights conditions in China have significantly deteriorated.

Thousands of Chinese citizens are imprisoned in forced labor camps for nonviolent opposition to the regime. The

repression of Tibet continues unabated. The Chinese Government enforces sickening and draconian birth control policies of forced sterilization and forced abortions.

This bill has some redeeming features. It condemns these human rights violations, but unfortunately it does not have teeth. It does not do anything but admonish the Chinese.

To give meaning to our condemnation, we have to give our action real teeth. The only way to make this condemnation meaningful is to deny MFN to the Chinese. If you vote for this bill, as I will, you should also vote for legislation to deny MFN to China.

Only by taking strong and effective action do totalitarian governments change their policies. Economic sanctions against South Africa were the key element in bringing about the end of apartheid. We were urged by the previous administration not to enact sanctions, to engage the South Africans in constructive dialog.

□ 1245

But it was only after we put sanctions on South Africa that the sickening practice of apartheid ended. We got the attention of the Chinese when this House voted for my resolution calling for the Olympic games not be held in Beijing. We got the attention of the Chinese when this House voted for my resolution calling for our Government to issue a visa to President Li of Taiwan.

China is now illegally holding an American citizen, Harry Wu, who was entrapped by the Chinese in going there. They gave him the visa, and when he arrived they arrested him. China is selling missile technology. China has a trade surplus of over $30 billion with the United States.

There are plenty of other sources of textiles and Barbie dolls and Christmas tree lights. India and lots of other developing countries would like to sell those things to us, but the Chinese have a $30 billion-plus trade surplus with us.

I commend the gentleman from Nebraska [Mr. BEREUTER] and all of my colleagues with whom I had the pleasure of working for improving human rights in China for this legislation. but we must not approve this legislation believing that this is China policy. This is a part of China policy. It lays out the problems with China. It provides no effective mechanism of enforcement.

Mr. Speaker, just as the apartheid Government of South Africa laughed at us until we provided economic sanctions, so the rulers in Beijing are capable of taking rhetoric from this body. What they are unwilling to take, and what we should force them to take, is economic sanctions. I urge my colleagues to vote for this bill, but I also urge my colleagues to vote for House Joint Resolution 96 to deny most-favored-nation treatment to China.

Mr. BEREUTER. Mr. Speaker, it is my pleasure to yield 2 minutes to the distinguished gentleman from California [Mr. ROHRABACHER], a member of the Committee on International Relations.

Mr. ROHRABACHER. Mr. Speaker, I rise in support of H.R. 2058, the Bereuter amendment, which is legislation to symbolically stand for democracy and to make a statement about human rights. Unfortunately, statements and symbolism are not enough.

We need to make tangible policy decisions, as well. And without tangible policy decisions, statements and symbolism, as are encompassed in H.R. 2058, lack meaning. So I will be supporting H.R. 2058, but we must insist, if we are sincere in this effort, on having some tangible action as well.

In fact, tyrants assume that we do not even mean what we are saying when we make statements and there is no change in policy that follows. We are confronting today a regime that controls China, a dictatorial regime that now holds one of our own citizens, Harry Wu, as prisoner, but also smashes the human rights of its own people and is more and more becoming belligerent to its own neighbors.

We are not talking about what we will do and what relations we will have with the people of China. All of us want to have good relations with the people of China. We reach out to them. We want good relations with all people of the world. The question is what will we do about this tyrannical regime, this monstrous oppressor that controls these people? Will we be on the side of the people of China, or will we be on the side of the oppressor?

We will have to do more than symbolism and statements. We must follow this measure with an elimination of most-favored-nation status with this regime, because we should believe in free trade between free people, not free trade with tyrannies and dictatorships; a trade relationship that only bolsters those in power and does nothing to further the cause of democracy.

Mr. Speaker, we have seen that in this debate over and over again where we have heard the argument that trade will improve democracy. That does not work. Let us put pressure on these people in Beijing to improve their democracy and to improve the respect for human rights and to release Harry Wu.

Mr. HASTINGS of Florida. Mr. Speaker, I am privileged at this time to yield 1 minute to the distinguished gentlewoman from California [Ms. PELOSI], who has coauthored the pending legislation and has continued to bring clarity to this issue.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding and his kind remarks. I am only taking 1 minute now, because I had the opportunity to speak much longer earlier on the rule.

Mr. Speaker, I want to once again commend the gentleman from Nebraska [Mr. BEREUTER], for his leadership and working with the gentleman from Virginia [Mr. WOLF], and with me and with others, to bring together this compromise.

The previous speaker, the gentleman from California [Mr. ROHRABACHER], is a gentleman whose courage and relentless advocacy for human rights is well-known to this body and I respect him enormously. I would not be supporting this legislation, though, if I thought it was just a statement.

Mr. Speaker, I think that even before we merged our two bills, Mr. BEREUTER had strong language in his legislation addressing United States concerns with China and teeth in saying that there is a reporting requirement that the President must report to this body on issues regarding trade, human rights and proliferation.

This is all very important. It is a step forward to us. I am pleased with the legislation and it comes at a time, a very critical time in China with the succession that might be likely soon, and also at a time when Harry Wu, an American citizen, a distinguished scholar, is being held by the Chinese.

Mr. Speaker, I hope that our colleagues will support this legislation and I hope that the Chinese will release Harry Wu soon.

Mr. BEREUTER. Mr. Speaker, it has been a pleasure to work with the gentlewoman from California [Ms. PELOSI], and she is correct in reminding about the reporting requirements and I could say Radio Free Asia.

Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. WOLF], the other gentleman that I worked with who has been invaluable in working with me.

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

Mr. WOLF. Mr. Speaker, I want to again thank the gentleman from Nebraska [Mr. BEREUTER], as I did before, and thank the gentlewoman from California [Ms. PELOSI]. Both were very good. The gentleman from Nebraska was very balanced and Ms. PELOSI was like Margaret Thatcher working for something in London; she never gave up.

Mr. Speaker, I rise in support. I would hope that there would be a strong, large vote; that any Members who have any reservations on each side, I would hope that they would put those reservations aside so we can send a strong bipartisan message.

Third, it puts the Congress on record for the first time in a united way. There are clear objectives. It calls for action by the administration. It calls that Radio Free Asia will be established within 3 months, whereby the people in China can hopefully hear what is happening in places like in the U.S. Congress.

It calls for a Presidential report for the first time. If anyone is listening in China, it puts the Congress on record in support of the democracy movement in China. And is that not a great day for those who gave their life in Tiananmen Square and other places to know that the Congress now has given

its official imprimatur on the democracy movement? And, as a gentlewoman from California [Ms. PELOSI] says, it makes a strong statement on Harry Wu.

Mr. Speaker, it is our hope and prayer that the Chinese see that we have come together; that the one thing they can do to give a sign of reconciliation would be the release of Harry Wu.

Mr. Speaker, I rise today in support of H.R. 2058, the China Policy Act of 1995 sponsored by the distinguished chairman of the Subcommittee on Asia and the Pacific, Mr. BEREUTER.

H.R. 2058 is a compromise reached after several hours of discussions between the gentlewoman from California, Representative PELOSI, the gentleman from Nebraska, Representative BEREUTER, and myself. It is a good bill because it garners support from both sides of the MFN issue and both sides of the aisle. I hope it will pass with an overwhelming majority. Passing H.R. 2058 with a unanimous vote will send a powerful message of concern to the Communist government in Beijing and a powerful message of support for the burgeoning Chinese democracy movement.

I will say that the U.S. Congress is united in its deep concern about China's treatment of Harry Wu; its continuing human rights violations; its violation of international nonproliferation standards and its unfair trading practices. This is the toughest language on China to come out of Congress in a while and it will plow new ground.

Personally, I think that the United States has no business giving nondiscriminatory trade status to the world's largest Communist government. I think revoking MFN is our strongest hook. However, I think it is more important for our ultimate goal of promoting democracy in China to speak with a united voice. That's why those of us on both sides of the issue have come together around this legislation.

The Communist government in China maintains the world's largest system of slave labor camps—the laogai—which are used as the central cog of repression to harshly stifle dissent and break the human spirit. Harry Wu, who sits in a Chinese prison right now because of his commitment to exposing China's laogai system, has documented over 1,000 forced labor camps in China.

China's strict one-child-per-family policy has resulted in gross violations of human rights, including forced abortion and sterilization. In my office, I have a 40-minute video filmed by a crew from Channel 4 in Great Britain showing the dying rooms in China's state-run orphanages where baby girls who become ill are left to die of starvation and neglect. The video also shows the abhorrent conditions in China's orphanages where children, mostly girls, are forced to grow up almost totally devoid of nurture and attention because of China's one-child-per-family policy.

We know that the Communist government in Beijing has sold nuclear weapons and technology to Iraq and Iran and M–11 missiles to Pakistan.

We know almost conclusively that the Chinese Government takes the internal organs of executed prisoners without consent, young men around 20 years old are the preferred donors, and sells them to foreign buyers for around $30,000 each. Harry Wu has documented it, the BBC has documented it, Human Rights Watch/Asia has documented it, Amnesty International has documented it, and a Hong Kong newspaper has documented it. I would be happy to share the BBC tape with any Member interested in viewing it. Even a Chinese Government official admitted it at a U.N. meeting several years ago. When asked now if this kind of despicable behavior occurs, the Chinese Government, of course, denies it. That is not surprising but it does not mean it doesn't happen.

We know that Catholics and Protestants who dare to worship independently of government control are continually thrown in jail, harassed, and in some cases beaten by Chinese security officials. Estimates indicate that there are 20–50 million Christians in China who refuse to worship in China's Government-sanctioned churches. The official Protestant and Catholic churches in China, which combined, claim a membership of only 10 million, must use the Government-sanctioned doctrine. As the Chinese Government becomes more wary of dissent and unrest in this uncertain period of transition, surveillance on Chinese Christians has been stepped up.

In Tibet, conditions have worsened since we looked at the MFN issue last year. As of April 26 of this year, there had already been more political arrests in Tibet in 1995 than there were in all of 1994. Prisoners have died in the past year as a result of mistreatment while in prison including a 24-year-old nun. Tibetan monks continue to be thrown in jail or forced into exile. The Chinese Government has placed restrictive guidelines on Tibetan monasteries and refused repeated requests by the Dalai Lama for talks to work out a peaceful settlement.

Now the Chinese Government is holding Harry Wu, a brave American citizen and human rights activist. He was detained just weeks after President Clinton renewed China's MFN status. He is being investigated for the simple crime of speaking the truth about China's laogai camps. This arrest is a clear indication that China thinks the U.S. Government is weak and more interested in appeasing business interests than speaking up for what is right.

These kinds of abuses are not new in China. They have gone on for years while the U.S. Government pursues a weak policy, or perhaps no policy. President Clinton has been unwilling to speak out boldly and forcefully and instead has promised to promote our interests through engagement. So far, it's been an empty promise. Nothing has happened and I'm not convinced—and that's saying it nicely—the administration is doing anything to promote human rights in China.

Congress as a whole has not spoken out boldly and forcefully—but that is about to change.

H.R. 2058 sets a new standard for progress. It sets out clear objectives for U.S. policy.

It demands the release of Harry Wu immediately and unconditionally.

It requires the adherence to international nonproliferation standards and requires China to immediately halt the export of ballistic missile technology and weapons of mass destruction.

It clearly and unequivocally calls on the Clinton administration to intensify diplomatic efforts to persuade the Chinese Government to respect the internationally recognized rights of its citizens and says specifically what Congress considers progress in this area.

It also commends the Chinese people's internal democracy movement—one of the most important provisions in the bill.

H.R. 2058 has teeth. It requires Radio Free Asia to be on the air in China within 3 months of enactment. Radio Free Asia will promote democracy in China and will give democracy reformers and other interested listeners news and information they will not hear from the Government-controlled media. Radio Free Europe was a powerful force in the democratization of Eastern Europe and I am convinced it will have the same effect in China. Radio Free Asia has been authorized by this body force, but so far, the U.S. Information Agency has been slow in getting it on the air. This bill steps up the pace.

Finally, the bill requires the administration to report to Congress every 6 months on the actions taken and the progress made in achieving the human rights and proliferation objectives outlined in the bill.

Again, this is tough language that requires action. We will be able to look at this issue every 6 months and see exactly what has been tried and achieved. We will also see what has not been done.

I support H.R. 2058 because it is a building block. It has the support of the major Chinese dissident groups and human rights organizations. If we pass H.R. 2058, next year we will be able to ask these questions:

Has the Chinese Government taken concrete steps to dismantle the forced labor camps?

Has the Chinese Government ended coercive birth control practices?

Has the Chinese Government ended crackdowns on Catholics and Protestants?

Has the Chinese Government begun to respect the rights of the people of Tibet?

Does the Chinese Government allow totally free worship, free press, and freedom of associations?

Have political prisoners been set free?

Does China adhere to the provisions of the Nuclear Nonproliferation Treaty and the missile technology control regime?

If the answer to any of these is no, Congress will be obligated to act. We will know where to look for progress.

I urge my colleagues to vote ''yes'' on the Bereuter bill.

Mr. HASTINGS of Florida. Mr. Speaker, I am privileged to yield 2 minutes to the distinguished gentleman from Michigan [Mr. LEVIN].

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

Mr. LEVIN. Mr. Speaker, I rise in support of the resolution. I think everyone here on this floor should be proud that we are debating this issue of human rights in China. Indeed, if all the other democracies in this world were having this kind of a debate, I think this situation might be different.

A major problem with the use of MFN in this instance is, and has been, that we have been alone and other nations have not followed suit. Indeed, they have simply stepped into the vacuum. And so, then the issue is this, I think: If we are not going to use MFN, how are we going to be sure that we do

not leave a vacuum in several key areas; human rights, and the critical trade issue?

In the human rights area, I think this country, the administration, has been taking steps in the right direction. For example, it forced a vote at the United Nations recently to condemn China's human rights record. That failed by 1 vote, as I understand it. And I think today we are calling on the administration to continue these efforts in the United Nations; indeed to intensify them.

In the critical area of trade, as our trade deficit with Japan continues to grow, I understand the President is going to announce soon the appointment of a commission to look into Asian Pacific trade and investment policies. We need to confront, with China, trade issues as we did intellectual property. If not MFN, we have to find another method, other instrument, to make sure that there is free and fair trade with China.

So, Mr. Speaker, as we join together to support this resolution, let us be sure that it is followed up by steps both on human rights and on trade policies.

Mr. BEREUTER. Mr. Speaker, it is a pleasure to yield 1½ minutes to the distinguished gentleman from California [Mr. DORNAN], a member of the Committee on National Security.

Mr. DORNAN. Mr. Speaker, I thank the gentleman from Nebraska [Mr. BEREUTER] for the hard work that he and Members on both sides of the aisle have been putting in; hours and hours of burning the midnight oil trying to remove us from the horns of a dilemma.

Last night I watched ''Nightline.'' I saw Harry Wu, videotaped just weeks before he left on this last courageous journey where he has disappeared somewhere to the world's most populous nation, and I thought, if we pull away most favored nation, is it an execution order? Or even worse than execution, a disappearance, to slowly die as a missing person for 10, 15, 20 years in some Chinese gulag?

This is as hard an issue as were sanctions over South Africa. I changed regularly on that issue, always toward the same goal as those who were liberals that wanted the most severe sanctions. But trying to listen to Buthelezi on one side, and listening to the self-serving voices of the white tribe on South Africa, I may have come down on the wrong side several times.

Mr. Speaker, I want to be on the right side on this one and that is why during the vote I will be reading every word of Mr. BEREUTER's well-crafted work product.

Mr. Speaker, I ask unanimous consent to put a statement in the RECORD about how the Republican Party was born. It was founded over one main issue, the terrible and horrific abomination of slavery. It was a travesty and gross belittlement of one class of people. It was a national disgrace, a dark sin upon our collective conscience, and it was removable only, as Lincoln predicted, through the subsequent shedding of precious American blood.

This time, the people we must want to serve are locked up in China, a slave state. May we pray that what we do in this body serves the one goal we all want; liberty and freedom for the people in a slave state.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California [Ms. HARMON].

(Ms. HARMON asked and was given permission to revise and extend her remarks.)

Ms. HARMON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

Mr. Speaker, I rise in strong support of H.R. 2058, the China Policy Act, and in opposition to House Joint Resolution 96, the MFN disapproval resolution.

I have often said that the next century will be the Asian century as China, the world's largest underdeveloped economy, takes off. American companies need to gain footholds in this market early. Our competition is already poised if we retreat.

China is already an important market for America, and for California, which has exports valued at over $1.5 billion to China last year. In my congressional district, dozens of companies and thousands of jobs in a wide range of industries depend on the Chinese market. Small companies like Rainbow Sports, which produces golf equipment, and Contact Enterprises of Torrance, which manufactures industrial parts, depend on sales to China. A Hughes satellite project for China provides over 1,000 jobs in my district. As the Chinese economy grows, more opportunities to create American jobs will grow as well.

But United States interests in maintaining engagement and dialogue with China are not limited to jobs and trade. We have a strong interest in seeing China treat its people according to international human rights standards. China's trade links with the United States have resulted in economic liberalization, and a nation whose economy is increasingly free and open must afford its people rights and freedoms as well. Without such changes political upheaval is inevitable, regardless of the state of the economy.

China's military might and weapons-export policies also present the United States with urgent security concerns. As a member of the National Security Committee, I am particularly concerned about nuclear and missile proliferation. It is my firm belief that maintaining strong economic and diplomatic links with China—links which the removal of MFN would threaten—is the key to bringing China's arms export policy in line with international goals and standards.

Two consecutive administrations, with strong bipartisan support from Congress, have pursued a policy of engagement with China which has shown considerable success. China signed the Nuclear Non-Proliferation Treaty in 1992 and agreed to join the Missile Technology Control Regime. It has also agreed to further discussions with the United States on all aspects of nuclear proliferation, including China's trade with Iran and Pakistan. We must assure China meets its international obligations. By contrast, cutting off MFN will merely isolate that country, ending a constructive dialogue and imperiling the progress that must be made. The China Policy Act strikes the right balance by letting China know how immensely important this issue is to United States-China relations, without ending MFN, the basis for those relations.

Mr. Speaker, China has a long way to go toward recognizing the rights of its citizens. Harry Wu must be freed. But revoking MFN would not be a helpful step in achieving these goals. The China Policy Act, developed with bipartisan consultation, sends a strong and constructive message to China. I strongly urge its passage.

□ 1300

Mr. HASTINGS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman from Florida [Mr. HASTINGS] for the generous grant of time.

Mr. Speaker, I think there is broad agreement here on the problem: the egregious violations of human rights in China, the use of prison labor, the imprisonment of Harry Wu, a United States citizen, the unfair trade practices of China, those that make the Japanese look like proponents of Adam Smith and free trade, unfair trade practices that resulted last year in a $29 billion surplus with the United States, headed towards $40 billion trade surplus with the United States this year according to the Commerce Department. That means we are going to export 8 million United States jobs to China because of their unfair trade practices. We disagree over the solution.

What does this resolution say? Intensify diplomatic initiatives. Well, we have been doing that every year now for about a decade. A report from the President. Well, we have been having reports from the President since the Reagan administration on the abuses in China. We know what they are, and it has not changed a bit, but there is one new, very serious, initiative. We are going to broadcast Radio Free Asia into China within 90 days. The geriatric oligarchy of China is quaking in their boots. Yes, they are quaking in their boots.

We will not be allowed to vote on the resolution of disapproval. A quick sleight of hand is going to move to table it. Why is that happening? Because last night, for the first time, we saw a crack in the free-trade dogma that has dictated policy under both Democrats and Republicans in this institution in the vote on the bailout of

Mexico, and suddenly, after the leaders, the Republican leaders and the Democratic administration, lost a vote on the bailout of Mexico which came to the floor, they do not want to allow a vote on the resolution of disapproval of MFN for China because they are afraid there might be an honest vote in this House where people would say we have been gumming this issue for years. The Chinese will take $40 billion in unfair trade practices and laugh all the way to the bank. They will only understand real action.

Repeal MFN.

Mr. HASTINGS. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Ohio [Ms. KAPTUR], my good friend and colleague.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman from Florida [Mr. HASTINGS] for yielding this time to me and rise with a heavy heart as we discuss this entire situation involving China, and I see—as the American birthright—the ideal that this Nation and others around the world are conceived in liberty and should be dedicated to the proposition that all people are created equal with certain inalienable rights. I think that is what our Nation is here for, as a beacon to the rest of the world, but what we see so often is that our foreign policy has been directed to certain financial interests, and in fact our foreign policy, rather than being a representation of the best ideals in us, has really become a kind of deal-making exercise.

Mr. Speaker, we should probably call China MFN the Boeing MFN because supporters of MFN for China and keeping that special trade status protected say that exports to China will create jobs here. However Boeing, one of the chief beneficiaries of nearly $2 billion worth of airplane sales to China, recently announced over 5,000 people in our country are being laid off because they are going to replace that production with production in China, and I think what is so troubling is that China has done nothing to promote democracy. It has done nothing to stop China from selling missile technology to rogue nations like Pakistan. China has done nothing to end labor abuses in its own country affecting both men and women who are voiceless as we debate there today. They have done nothing to end human rights abuses like the detention and arrest of American citizen Harry Wu.

But in fact our China policy not only does not stand up for democracy, but from an economic standpoint has led to a flood of cheap imports into our country—expected to reach over $32 billion this year alone—representing an increase over last year, and in fact since China's crackdown on democracy in 1989, our country has suffered a net loss of over $100 billion in China.

Mr. Speaker, when we debated the crime bill, we talked about three strikes and you're out. It seems to me here we have got five strikes and you're out, and we ought to go back to the negotiating table and figure out what we stand for fundamentally as citizens of the freest nation on Earth.

China MFN is just another smokescreen for the rights of capital surmounting the rights of people and the ideals of democratic freedom. Free trade can only exist among free people. When is the United States of America going to recall its own birthright?

I am very upset that the Wolf amendment will not be offered here for a vote up or down in this Congress today. I stand here with a very heavy heart. I ask, ''Why don't we stand up for what our Constitution says we are here for?''

Mr. HASTINGS. Mr. Speaker, I yield 2 minutes to my good friend, the distinguished gentlewoman from California [Ms. WOOLSEY].

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I rise today in support of the China Policy Act.

I support the China Policy Act, because I believe that the time has come to quit coddling the tyrants in Beijing.

It is time to say to the Chinese Government that ''Human rights abuses; forced abortions; and acts, such as imprisonment of an American citizen, Harry Wu, is not tolerable.''

Mr. Speaker, we are Americans. We stand for freedom. We fight for democracy, and we have not forgotten Tiananmen Square.

To my colleagues on both sides of the aisle, I want to remind you, this is not a partisan issue. This is an opportunity to do what is right. If you support democracy and human rights, vote for the China Policy Act.

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

Mr. Speaker, as I said before, China has millions more dissidents than those who openly brave the hard suppression of human rights. The one thing that unites the people in China with a narrow leadership clique, however, is the memory of the destruction of China's sovereignty during the last two centuries and the imposition of unequal treaties and other indignities on the part of first the Western powers and then Japan.

I tell my colleagues a certainty, that as nothing else the denial of normal trade status will unite China's people behind their Government and identify the United States as hostile to their interests. On the other hand, the legislation before us today recognizes the importance of China while specifying the deep concerns of the American people about the PRC and then requiring diplomatic conduct from the Presidency, and reports and Radio Free Asia.

A number of well-known China dissidents, for example, including Chi Ling and Won Won To have warned that the denial of MFN status will endanger China's current economic opening and close off current widening exposure of Chinese to the outside world. The dissident movement exists in China precisely because growing foreign investment and China's expanding foreign trade have created a fast burgeoning middle class with the same expectations as middle classes throughout the world. It thrives on a freer flow of information brought about by the introduction of Western telecommunications technology and access to the international media.

Mr. Speaker, the denial of MFN will set back the democracy movement in China even more than it sets back the Chinese economy and chokes off the prosperity of Hong Kong.

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

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

Mr. Speaker, this is a true consensus bill and in the nature of foreign policy. It has support of a broad range of individuals who have done extraordinary work in bringing the China Policy Act to this floor. Led by the gentleman from Nebraska [Mr. BEREUTER], the gentlewoman from California [Mrs. PELOSI], and the gentleman from Virginia [Mr. WOLF] and others, we now come to the position of being able to at least speak very clearly with reference to a consensus that has developed in this House that will not be as exacerbating as perhaps some would like for us to put forward. It does not link China policy to trade. It incorporates key additional human rights language which is and was a continuing concern of many Members of this body. It sends a clear message regarding troubling China activities such as, as has been so often mentioned and justifiably so, the unjustified detention of Harry Wu, the violation of basic human rights that we all are concerned about, the sale of missile components in violation of nonproliferation commitment, and I personally yesterday had a visit from State Department officials because I shared immense concern with reference to the potential for sale of missile components to Pakistan and to Iran. I was assured that there are sanctions in the event these allegations come to fruition that will cover these matters. It also deals with the unfair trade practices that have been mentioned by so many Members here. In short, it establishes the United States policy objectives, will expedite the startup of Radio Free Asia, and we do, for the efforts that have been ongoing, commend China in spite of the fact that we recognize that there is much more that they should do in their movement toward democracy.

It is very difficult for us to speak as clearly as we have in this measure, and I commend all of our colleagues for the extraordinary work that they have done in bringing to us a true consensus bill which, in my judgment, is how foreign policy should be made in this body.

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

Mr. BEREUTER. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Speaker, I believe in open markets and in a vibrant international marketplace in which the United States is an active trading partner with all nations.

But, I have some real problems with extending most favored nation trading status to a country like China where the people who produce the goods that China exports to us are not free.

It is not much of an exaggeration to say that while we prohibit the import from China of goods made using prison labor, the harsh fact is that all the goods produced there are the products of prison labor.

The country is so unfree that it claims that the Government of China owns all the labor of all Chinese people.

When you want to hire a Chinese person to work for an American company, you pay the Chinese Government a lot of money, but the person who does the work never sees the money. The government pockets maybe $20 a day for a factory worker, while the worker gets less than a dollar of that.

This is not free trade. This is slavery.

The Chinese exported this system to Cuba, where the same thing happens. The Castro dictatorship is more than happy to sell the services of Cuban workers to unscrupulous foreign investors, and to keep all the money for itself while tossing a few pennies a day to the person who actually has to do the work.

Both in Cuba and in China, the system is a moral outrage and reeks of the slave trade of the 19th century.

Unfree labor is not the only problem with doing business with China.

It is a country where there is no respect whatsoever for the human rights of its citizens—nor for the human rights of American citizens.

The arrest of Harry Wu, an American citizen, is only one example of this. It is just one small element in an abysmal Chinese human rights situation.

Forced abortion. We all know this issue. We know it happens and it happens a lot.

And we know that there are many killings of born and unborn little girls.

And, we know that these practices violate every known standard of human rights since God made Man.

There are reports that aborted fetuses are sold and eaten.

The trafficking in human organs that is practiced in China is another outrage. One hears rumors of condemned prisoners being executed according to the marketing needs of those who have sold their organs to wealthy foreigners needing a heart, liver, kidney or other transplant.

I could go on and on and on with one outrage after another that is taking place in China.

I thank the gentleman for highlighting these outrages.

□ 1315

Mr. BEREUTER. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. STOCKMAN].

Mr. STOCKMAN. Mr. Speaker, I just want to say that the gentlewoman was making a point. She outlined some serious allegations and some serious charges. In 1930 we heard serious charges before, and we said we are not sure, and we did nothing. Now, 50 years later, we hear the same allegations, and, again, America is doing nothing. There is something wrong.

What lessons have we learned from history? None, apparently. We should not trade with a barbarous nation such as China, and we should vote to cut their MFN.

This is more than just a symbol. We cannot even purchase anything without the label ''China'' on it. I was offended July 4 when I took out of my pocket an American flag, and on it it said ''Made in China.'' That is an outrage. We need to stop trading with these guys. It is wrong, and America needs to stand up and say so.

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

Mr. BEREUTER. Mr. Speaker, I yield the balance of my time to the gentleman from California [Mr. DREIER], the distinguished gentleman who has worked very hard on Sino-American relations and trade issues.

The SPEAKER pro tempore (Mr. EMERSON). The gentleman from California is recognized for 4½ minutes.

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

Mr. DREIER. Mr. Speaker, I thank my very good friend from Nebraska, and rise in very strong support of the Bereuter resolution. The gentleman has worked long and hard on this issue, along with many of our colleagues, and I believe that this is a very important day in the history of the United States Congress and in world history.

Mr. Speaker, speaking of history, when I look back on one of the most interesting years in the last quarter of a century, 1989 has to stand out. We observed that year the crumbling of the Berlin Wall. We saw the tremendous changes take place as we saw the first transition of one democratically elected government to another in El Salvador. We saw political pluralism emerge in Nicaragua. We saw great speeches made right here in this Chamber by Vaclav Havel from then Czechoslovakia, from Lech Walesa, the leader of Poland, an electrician from the Gadansk Shipyard. To me, one of the most moving speeches came from the first democratically elected President in the history of South Korea.

Now, one of the arguments that I have made time and time again, and many of our colleagues have joined in this, is if we look over the past several years at countries where tremendous political repression has existed, we chose as a nation not to impose trade sanctions, countries like Taiwan, countries like Argentina, countries like Chile, and nations like South Korea.

Well, on October 18, 1989, just a few months after the tragic Tiananmen Square massacre, President Roh Tae Woo stood right behind me here. He does not speak English at all, but he, out of respect to this body, delivered his speech in broken English. He phonetically delivered his statement to us. And there was an item in that which to me really demonstrates where we stand today and what it is that we are trying to do.

He said:

> The forces of freedom and liberty are eroding the foundations of closed societies. The efficiency of the market economy and the benefits of an open society have become undeniable. Now these universal ideals, symbolized by the United States of America, have begun to undermine the fortresses of repression.

Mr. Speaker, that statement was made in 1989, right here in this Chamber, and we have seen tremendous changes take place in the ensuing 6 years. We proceeded during that 6-year period with engagement with China with most favored nation trading status. And my colleagues are right in talking about the fact that things have not necessarily gotten better. They have in many ways gotten worse. But it is important for us to look at some areas of improvement.

Remember, we are talking about a nation that has a history that spans four millennia. Now, we cannot expect a change to take place overnight, but we do realize that exposure to western values has gone a long way towards improving things.

We have seen the establishment of a stock market in Shanghai. The reports to come from that have been incredible. Obviously any economic visitor in Shanghai would love to have the opportunity to see how their stocks are doing. Well, how do they find those reports? It has to be printed in the newspaper.

One of the things that the government of China is having a very difficult time doing is keeping any kind of political reporting out of that information that is disseminated through the free flow of economic activity in Shanghai. Mr. Speaker, it seems to me that we must realize that trade promotes private enterprise, which creates wealth, which improves living standards, which undermines political repression, and that is exactly what is happening here.

We are not going to change things overnight. We have a long way to go. But if we believe for one moment that shutting the door with China will all of a sudden get Harry Wu released, that is preposterous. If we believe that closing the door will improve the plight of those many people in China who are seeking economic opportunity, we are crazy to believe that. The two southern provinces of Guangdong and Fujian see Chinese people literally clawing their way to get in there. Why? Because that

is the place that they can find economic opportunity.

So I believe that this is a very balanced approach that the gentleman from Nebraska [Mr. BEREUTER] is taking, and I again congratulate him for all that he has done, the work of the Committee on International Relations, working closely with members of the Committee on Ways and Means. I believe that we have a positive solution to a very, very tough problem. Mr. Speaker, this is a great day. This is an historic day as we look towards the most important relationship between two countries on the face of the Earth.

I support the Bereuter resolution.

Mr. STOKES. Mr. Speaker, I rise in strong support of H.R. 2058, which condemns China's violations of human rights and calls for China to grant access to American exports. H.R. 2058 crafts a reasonable compromise between those who would want to extend most-favored-nation status to China unconditionally, and those who agree with me that denial of most-favored-nation status is the best means of influencing China.

We must not forget the Tiananmen Square massacre or the Chinese Government's brutal suppression of student protestors. Rather, we must answer the Chinese peoples cry for freedom and democracy by continuing to press for adherence to international human rights standards.

Under H.R. 2058, the Congress calls for the immediate release of United States citizen Harry Wu who was recently arrested by the Chinese Government; calls on the President to pressure China to adhere to international weapons nonproliferation agreements; calls on China to release political prisoners, respect the rights of Tibetans, and end the practice of coercive abortions. It is important to note that this legislation does not in any way disturb the President's decision to extend most-favored-nation status to China for the coming year.

In addition to these human rights abuses, H.R. 2058 includes additional conditions that call on China to permit greater access by United States exporters to China's markets by ending that nations unfair trade practices. American working men and women deserve to have the support of the United States Government in the attempt to force China to adopt a fair trade policy.

All of the objectives embodied in H.R. 2058 are reasonable standards which we should expect any nation wishing to acquire most-favored-nation trading status to satisfy. Certainly no one could argue that the language of H.R. 2058 would impose too heavy a burden on the Chinese Government, or that the conditions are unduly harsh.

Mr. Speaker, H.R. 2058 is a fair and just bill which allows China the opportunity to reform their conduct, and make progress toward internationally recognized standards of human rights, without being punished. If there is no progress toward the goals established in this bill in China, then the denial of further favorable trade status will be necessary to convey the message to the Chinese Government that their conduct will not be tolerated by the international community. I strongly urge all my colleagues to take a stand for human rights, and vote for passage of H.R. 2058.

Mr. Speaker, I rise today to express my strong support for the H.J. Res. 96, a bill to disapprove most-favored-nation (MFN) treatment for China. H.J. Res. 96 is carefully targeted to send a strong message to the Chinese Government that continued suppression of human rights, flaunting of international agreements on nuclear non-proliferation, and engaging in unfair trade practices cannot be tolerated, ignored, or rewarded.

Denying most-favored-nation status for China is a reasonable response to the continuing controversy over trade and human rights policy in regards to China. It is absolutely imperative that this House insist that the United States Government not reward the Chinese regime which brutally massacred pro-democracy demonstrators in Tiananmen Square just 6 years ago, and continues to hold prisoner an American citizen with carte blanche on the importation of their goods into our market. Granting most-favored-nation status for all Chinese products rewards the Chinese regime for its intransigence on human rights, and its refusal to engage in fair trade.

Mr. Speaker, despite the arguments of those who support totally unfettered trade with China, the fact remains that trade and human rights are inextricably linked. A nation that suppresses its peoples' human rights also suppresses their wages. This, in turn, leads to an unnatural advantage in trade, which adversely impacts American businesses and workers, and causes the loss of American jobs.

In fact, the United States trade deficit with China is now over $30 billion a year, second only to our trade deficit with Japan. Yet, despite the freedom we grant to Chinese imports to the United States, China does not grant most-favored-nation status to United States goods, and continues to bar certain United States goods from the Chinese market. For those who advocate free trade, it seems rather illogical and inconsistent to grant free access to our market to a country which denies free access to their market for our goods.

Nearly 30 percent of China's total exports are to the United States, which means that most-favored-nation status for their goods is vital to the Chinese economy. Therefore, most-favored-nation status is logically the most effective tool for influencing the Chinese Government to improve their record on human rights. If the United States continues to grant most-favored-nation status to Chinese goods, without requiring improvements in human rights, there is no incentive for the Chinese regime to alter their policies. I ask my colleagues who support unrestricted most-favored-nation status for China to identify what other means we have available to influence the Chinese Government? They cannot give me an answer, because they have no answer.

Mr. Speaker, I strongly urge all my colleagues to insist that the United States stand up for the principles of human rights, and for the freedom of the Chinese people. Vote for H.J. Res. 96 and send a clear, unmistakable message to the dictators in Beijing, and your constituents, that you believe in freedom and democracy for people all over the world.

Mr. PORTER. Mr. Speaker, in the last Congress former Congresswoman Helen Bentley of Maryland and I combined to pass into law Radio Free Asia, a new surrogate radio to be aimed at repressive regimes in China, in North Korea, in Laos, in Vietnam, in Burma, and other Asian nations. Today, the gentleman from Nebraska [Mr. BEREUTER] has focused his policy alternative to the withdrawal of Most Favored Nation tariff status from China on starting surrogate broadcasting to China. His is the proper way to go.

Withdrawing MFN may seem an effective means of moving the Beijing Government away from repression and toward the norms of international human rights. But it only seems so. On further examination one can see that the results of such withdrawal would likely rather be retaliation against American companies doing business in China and no progress on the rule of law. Moreover, MFN is a one-shot gun. Once fired there is no further bullet. Once withdrawn, the tariffs rise, Chinese retaliation follows, and markets change.

No, Mr. Speaker, this is not the approach that the United States should follow. Mr. BEREUTER has it right. Beam a message of truth to China—tell them the truth about what is happening in their own society to their own people—and create the pressure for change from within. Radio Liberty and Radio Free Europe, the surrogate radios of the cold war, gave not only truth, but hope to millions in Eastern Europe and the former Soviet Union that ultimately helped to undermine and bring down their totalitarian, communist regimes. Radio Free Asia would play the same role.

I am a great supporter and believer in the effectiveness of the Voice of America which beams to China and to societies across the world the message of our country to their people. It is among the most cost effective means of promoting American values to people everywhere. Surrogate radio is not the same. Surrogate radio is radio that broadcasts the messages of their own people to those societies. That relates to them not only in their own language but by their own people and in their own cultures. It reports the truth about what is happening not only around the world but, more importantly, within that society and not within the American idiom but within theirs. Surrogate radios are not to supplant the Voice of America—our voice to the world. Surrogate radios are not to provide an alternative to the VOA. Surrogate radios have always operated right along side VOA and complemented its good work. Both are extremely effective in their different missions, both spend the relatively small sums required to sustain them effectively as well, and both are necessary to advance the purposes of our foreign policy.

Now VOA has, unfortunately, been sending a message that our radios are a zero sum game, that money put toward RFA is money taken away from VOA. I don't favor that and I don't know anyone that does. And yet it has been extremely difficult to get RFA up and running and this administration has spoken a good commitment to it without following its good words with action. It is my hope that the Bereuter amendment will receive an overwhelming vote and send a message to the White House that this is our policy of choice and that the President had better get aboard and start acting as the engineer of this train.

Last year the question of funding and starting up RFA was faced in the appropriation for Commerce, State, Justice where the gentleman from West Virginia [Mr. MOLLOHAN], then the chairman, failed to fund RFA. I offered an amendment to ensure that the commitment to RFA was known to the then chairman and it passed overwhelmingly. I hope Congress will again today go on record to

send the message strongly that RFA's time has indeed come.

We should, in approving the policy choice in Bereuter, also make the commitment to provide sufficient funds to make FRA a reality. These funds should not come from VOA. But I would say, Mr. Speaker, if we continue to see from VOA the kind of effort to slow and side-track RFA start-up that has been all too evident, then, perhaps, we should, indeed, consider using VOA funds for this purpose.

Mr. Speaker, Harry Wu, is my friend, the friend of all of us, the friend of every person who loves human freedom. He returned to China, the nation of his birth, and put himself at great risk to make the truth known about China's egregious labor prison camps and its heinous market in human organs. His is just the latest example of the oppressive practices of the Beijing regime. Since last year's vote not to withdraw MFN, which I supported, human rights violations by the Chinese Government have worsened not improved. The Chinese communist regime makes it easy to generate support in Congress for RFA. They are clearly their own worst enemy.

Now, Mr. Speaker, they will argue, as they always do, that these are matters only of internal concern, that the United States is yet again intruding itself in Chinese matters, that what they do to their own people is none of our affair. Yet we need only remind them that they are signatory to the Universal Declaration, that they made a commitment—which has since rung hollow—to observe the tenents of basic rights for every human being. And I would say one thing further: that we are our brothers keeper; that the denial of Harry Wu's rights is the denial of my rights and yours and of every person in this chamber and on this Earth. That once we can convince China and the rest of the world that every person deserves respect, that every person has the right to worship and speak and write in the way he or she chooses, that governments must rule only through law created democratically by the people—then may China and other nations which deny these basic rights take their place among the nations of the world who will live in peace and harmony and work together toward a better life for all peoples. We all look forward with all the Harry Wu's—and there are hundreds of millions of them in China—to that day.

Mr. TORKILDSEN. Mr. Speaker, I support the China Policy Act, sponsored by my colleague from Nebraska, the distinguished chair of the Asia and Pacific subcommittee.

I agree with my colleagues on both sides of the aisle that Congress must be concerned with the illegal and unjust arrest and current incarceration of American Harry Wu by Chinese officials. We must use all available diplomatic means to resolve this situation and see that Mr. Wu is returned to freedom.

However, we must not be so short-tempered and short-sighted as to vent our frustration by revoking Most Favored Nation status for China. Revoking MFN status is not something the United States should do lightly in any situation.

The recent deterioration of relations with China is indeed a cause for great concern. In today's Post Cold War world, the United States has many vital security concerns in Southeast Asia. In this region of the world where great strides are being made toward democratization, America must remain vigilant in our support of international human rights.

Perhaps the time has come for the United States to be more circumspect with regard to Beijing's policies and reputation. Yet, one thing is sure—the time has not come to end MFN for China and ostracize this emerging nation, which may hold the ultimate key to peace and stability in Asia. We will never succeed in fostering real democratization for millions of Chinese tomorrow if we decide to impose an economic quarantine China today.

It is possible to support MFN status for China and still fight for Harry Wu's return home—and I urge my colleagues on both sides of the aisle to do just that. I urge them to support H.R. 2058 to support the safe return of Harry Wu.

Mr. BARRETT of Nebraska. Mr. Speaker, I rise in opposition to House Joint Resolution 96 that would deny Most-Favored-Nation [MFN] trade status to China.

I can understand the reasons why the gentleman from Virginia [Mr. WOLF] proposed an MFN disapproval resolution. But, I'm not convinced that an embargo—the effect of withdrawing MFN status—would punish China's use of prison labor, human rights abuses, and possible violations of arms control agreements.

Taking away MFN will actually strip us of a powerful tool that we can use to push for change, while having a negligible effect on China. Denying MFN to China forces us to turn our backs on Chinese human rights abuses. But MFN gives us the leverage and access needed to encourage improvements in China's treatment of its citizens.

Let's keep the lines of free ideas open through trade. Discussion between two friendly trading partners is more effective than criticism between nations involved in an embargo or trade war. Change is generated by communication and cooperation, not alienation.

I encourage my colleagues to support the committee's position in opposing this measure and support the continuation of MFN status to China. I believe we can do what's best for trade while engaging the Chinese to produce change.

Mr. MANZULLO. Mr. Chairman, I would also like to add to the RECORD an article from Business Week magazine that highlights how increased economic activity and Western contacts have improved overall human rights, especially in the southeastern provinces in China. Change sometimes comes too slowly for Americans but I am confident that the inevitable triumph of democracy and respect for human rights will happen one day soon in China just as it has in other parts of the world.

[From Business Week, June 6, 1994]

CHINA—IS PROSPERITY CREATING A FREER SOCIETY?

The contrast is stark. Chinese authorities continue their crackdown on dissenting voices and put security forces on alert in Tiananmen Square. At the same time, in the grimy central city of Wuhan, a professor is bringing a new concept to China's heartland: the rule of law. Armed with a Yale Law School degree and a team of young associates, Wan Exiang runs China's first public-interest legal center. From his bustling offices, Wan takes on government officials—including members of the much-feared national police, the Public Security Bureau (PSB)—who have long ridden roughshod over individual rights.

Increasingly, Wan is winning. In one recent case, his Center for the Protection of the Rights of Disadvantaged Citizens came to the defense of an entrepreneur from Hangzhou who left his job as a technician at a state-backed company to start his own business. Accusing the man of taking company patents, police put him in detention, ransacked his home, and confiscated all his belongings. After a plea from the man's wife, Wan dispatched two lawyers to represent him. They won—and got the PSB to pay damages of 500 yuan—the equivalent of six weeks' salary. Altogether, the center, which is funded in part by the Ford Foundation, has received 1,600 requests for help.

As the June 4 anniversary of the 1989 Tiananmen massacre approaches, President Clinton is poised to make the politically costly decision to renew China's most-favored-nation trading status (page 102). He is doing so even though China has been cracking down hard on its most vocal dissidents. It has re-arrested Wei Jingsheng, a leader of the ''Democracy Wall'' movement of the late 1970s. Beijing has imprisoned many other political activists and has rounded up religious and labor leaders.

But no matter what an increasingly jittery leadership does to repress and control, a quiet revolution is taking place. Across the Middle Kingdom, the glimmerings of a freer society can be seen in the actions of Chinese such as Professor Wan. China's contact with the U.S. and the rest of the world is helping make that happen. Although Clinton's decision was in part based on pure commercial reasons, it does reflect a growing view among experts that the annual debate about human rights in China has been overtaken by deeper, grassroots change in the world's most populous nation.

An explosion of information technology, for example, has allowed the Chinese to link up to the world with fax machines, telephone lines, satellite dishes, and personal computers. Thanks to market-oriented reforms, millions of Chinese can now decide where to work and live instead of being told. A growing local media, aligning with regional power brokers, is spotlighting tension between provincial authorities and Beijing. And workers and peasants are becoming more vocal about protesting corruption, layoffs, and taxes.

Two or three years ago, signs of people circumventing or undermining totalitarian rule could be dismissed as anomalies. But no longer. Just as China's economic boom has brought increased prosperity to millions, so too is life for ordinary Chinese becoming easier and freer. ''There has been a substantial evolution—economic, social, and political—that makes the state less intrusive in people's lives,'' says Kenneth G. Lieberthal, a China expert at the University of Michigan.

Indeed, the central judgment that Deng Xiaoping made 15 years ago now appears to be proving faulty. Deng reckoned that by opening the door to the outside world, China could absorb foreign investment, trade, and technology while spurning the cultural and political influences, or ''bourgeois liberalization,'' that would challenge Communist Party rule.

But years of double-digit economic growth are transforming Chinese society itself, loosening Beijing's control over 1.2 billion people. In Guangdong, workers angered by dangerous factory conditions have formed more than 800 illegal trade unions. In Beijing, live talk shows allow radio listeners to discuss once-taboo subjects, from urban pollution to extramarital affairs. In a Shanghai factory, the subject at mandatory Communist Party meetings is bonuses, not politics. And in

coastal cities and interior villages, attendance at underground churches is soaring. Virtually no one accepts the ideology called communism anymore.

SHIFTING SANDS

Many of these grassroots changes have frightened the Communist Party leadership, which is already rattled by Deng's deteriorating health and an inevitable power struggle. Yet the earth continues to shift under the leadership's feet. Beijing must encourage growth to stay in power, but that only increase the potential for greater individual freedom. Only a few years ago, the government could dictate where citizens lived and worked, when they married, and when they could have a child. But today, a rising middle class is quietly challenging centralized control. ''Change is happening from the bottom up, regardless of what happens with the Communist Party,'' says David S. Goodman, a fellow at Murdoch University's Asia Research Center in Perth, Australia.

That doesn't mean China's transition to the post-Deng era will be smooth. The party still maintains its monopoly on power. Moreover, the state controls the media and arrests whomever it wants. In Tibet and Xinjiang, ethnic minorities face severe repression. Meanwhile, the tumultuous move to a market economy has created a political and social powder keg. The economy grew 12.7% in the first quarter, barely cooling off from its 13% pace in each of the past two years. Inflation is 24.6% in the big cities, and corruption among officials is widespread. In 1989, that combination led to large antigovernment demonstrations. If similar unrest breaks out after the death of 89-year-old Deng, the leadership may once again call in the troops.

As the years after Tiananmen have shown, however, the People's Liberation Army isn't interested in turning back the clock. It's making too much money in its lucrative businesses, ranging from toys to tourism. Likewise, the party can be counted on to beat back outright challenges to its rule, but its members are also making money in China's rush to get rich.

NEW SUITS

Where once the party and central government could dictate just about anything, now they must compete for power with provinces, cities, giant quasipublic corporations, and even workers and peasants. As a result, China continues to evolve away from the totalitarian model of the Maoist era and the authoritarian regime of the Deng era. ''The system is losing its central control,'' says M. Scot Tanner, an expert on Chinese politics at Western Michigan University. He argues that China is gradually becoming a ''soft authoritarian'' regime like Taiwan or South Korea in the early 1980s.

An unlikely arena for this clash of interests is the nation's rudimentary legal system. As in Wuhan, a new set of laws and property rights is evolving throughout China. In a country where the rule of law has long been subordinate to *guanxi*, or personal connections, the Chinese have started to turn to the judicial system to resolve business and personal disputes.

Chinese citizens are suing almost everyone—from local enterprises to the police. For instance, Zheng Chengsi, a slender, bespectacled professor in Beijing, brought suit against two of his former students last year after discovering they had plagiarized more than 60,000 words from his work on—of all things—intellectual-property rights. Zheng's lawyers filed the case in Beijing's East District court last year. The defendants tried, in vain, to persuade Zheng to settle. But he insisted he didn't want damages. ''My rights were violated,'' he says. ''I wanted these things to be published.'' In August, Zheng got his wish: The judge ordered the defendants to publish details of the case in nationally circulated newspapers.

Like Zheng, most Chinese plaintiffs are involved in disputes with other civilians. But some citizens are challenging government officials in court. In 1992, Liu Benyuan, an entrepreneur in Sichuan province, sued local cadres who tried to take away his mineral-water bottling plant. They were upset because Liu refused to pay them off. Besides his bottling plant, they also closed his chemical and printing factories. Liu fought back. Last February, a court ruled in his favor, giving him back his businesses.

China's legal system is ill prepared to handle the growing clamor for justice. As claims multiply, the number of lawyers is expected to quadruple, to about 200,000, by the year 2000. Many citizens continue to distrust the system's impartiality, since local officials often treat courts as arms of their governments. And when the courts do act independently, they often have great difficulty enforcing their judgments. That led editors of the official *Legal Daily* newspaper on May 23 to issue a daring call for an independent judiciary. ''The idea of economic rights is spilling over into other areas such as individual rights,'' says Helena Kolenda, a Beijing-based lawyer with the New York law firm Paul, Weiss, Rifkind, Wharton & Garrison. ''It has sparked a consciousness.''

The demand for more rights is moving beyond individual lawsuits and sparking organized, large-scale protests. Two groups recently staged sit-down strikes in front of the Shanghai municipal building, protesting government secrecy and consumer ripoffs. The unrest has also spread to the countryside, where 75% of China's population lives. Last year, about 4,000 Guangdong villagers conducted a demonstration on a main thoroughfare. They were upset that local cadres had sold off prime farmland to Hong Kong real estate developers.

More worrisome to Beijing, unrest is spreading in factories, where workers increasingly are organizing. That has spooked the government, adding to worries that dissidents and intellectuals are reaching out to disgruntled workers. But as state-owned enterprises lay off employees, workers throughout China are going on strike. In March, there were 270 strikes in Liaoning, Shaanxi, and Sichuan provinces, several lasting as long as 40 days and involving 10,000 workers. In Tianjin last fall, laid-off workers marched on a state-run factory, carrying signs asking: ''How can we feed our children?'' Says Trini Leung, Chinese labor expert at the University of Hong Kong: ''Labor unrest is bubbling very hot, and the authorities are worried.''

Like peasants in the countryside, urban Chinese workers are furious about the rampant corruption and lawlessness among some well placed officials. One day last fall, a Shanghai bus driver found his way blocked by parked limousines in front of a karaoke bar frequented by government and Communist Party officials. When the bus driver told the chauffeurs to move, a group of men fatally beat him. Shanghai's bus drivers responded with a wildcat strike, refusing for several days to drive on the busy route.

The state hopes to prevent an explosion of labor unrest by encouraging laid-off workers to find jobs in the growing private and quasi-public sectors. But the unrest is not limited to the public sector. Workers at foreign joint ventures run by Taiwanese, Hong Kong, and other foreign investors have struck to protest abysmal working conditions. In Fujian province, where Taiwanese companies employ more than 400,000 people, workers often spend 16 hours a day on the job without overtime pay. Migrant workers in Guangdong joint ventures typically make $35 a month, less than half of what local residents make for the same work. Last fall, 49 workers died in fires at two factories run by investors from Hong Kong and Taiwan.

Even with its many problems, the private sector's growth has made it much harder for Big Brother to keep tabs on each citizen. Economic reform has vastly increased mobility for ordinary Chinese. That has undercut the *dang an*, or personal dossier, system. The DANG AN, which includes an employee's family background, political leanings, and class status, once was used by officials to retain workers, limit promotions, and even ruin careers. But now, Chinese are going into business for themselves, while foreign corporations don't care about such dossiers.

With the declining importance of the dossier, the party's stifling presence in the workplace has been drastically reduced. Party bosses are no longer the decision-makers. And the political meetings that were once mandatory are no longer held at wholly owned foreign ventures or at many joint ventures. Even at state enterprises, less time is spent mouthing Marxist mantras. At China Textile Machine Co. in Shanghai, political meetings have been pared from an hour a week to 20 minutes. ''The empty talk is gone,'' says Zheng Bohua, the company's deputy general manager. ''Now we discuss production.''

U.S. companies, although anxious to defend their commercial interests in China, argue that they, too, are changing the thought processes of Chinese workers. Learning how to make individual decisions does leave a deep imprint. And working for a Western company almost automatically means a higher standard of living, with better pay and benefits. ''If I were asked to go back to a state enterprise, that would be hard to deal with,'' says Ren Shouqin, 54, vice-president at China Hewlett-Packard Co. in Beijing. HP sent him to the Monterey Institute of International Studies for an MBA.

SOAPS AND CNN

At HP's headquarters in Beijing, well-heeled young women and men work at computer terminals, watch educational videos, send electronic mail, and read foreign magazines. In the Beijing area, 100,000 to 200,000 Chinese citizens work for foreign companies in offices that increasingly resemble the home office. Cai Ping, a 23-year-old manager in HP's personnel department, regularly communicates with HP staffers in Hong Kong and Palo Alto, Calif. ''It's as if we're in the same building,'' she says. ''Right now, I'm in touch with the trends of the world.''

It's not just elite workers at foreign multinational corporations who are in touch with the rest of the world. In Guangdong, millions of people get their news from two Hong Kong television stations. With a satellite dish, moreover, they can get up to 18 other stations. Despite a ban on such dishes, they are common fixtures in the Guangdong urban landscape. Millions of Chinese who understand English will soon be able to watch Cable News Network.

Of course, the state-controlled media remain on a tight leash, and authorities still strike out at individual journalists who hit too-sensitive nerves. In April, Xi Yang, a reporter for a Hong Kong newspaper who had written about plans for an interest-rate increase, was sentenced to 12 years in prison for allegedly ''stealing state financial secrets.''

But commercial imperatives are creating the potential for more reliable news. TV stations in wealthy coastal cities have stepped up coverage of social and economic news. A recent protest in Shanghai was covered by

one government station, despite efforts by city officials to black it out. Most of the time, stations stick to more popular fare to lure a broader audience—and advertisers. Taiwanese soap operas are now common, as are news stories about prostitution and corruption.

TALK RADIO

At the same time that local governments are opening commercial TV stations and newspapers, party organs are on the decline. The circulation of *People's Daily* dropped from 2.3 million in 1992 to 1.65 million last year. With the government cutting back on press subsidies, the fight is on for advertising dollars and for circulation gains. Some papers have responded by printing fewer political screeds and more alluring tales of sex and violence.

Economic change has emboldened the business press. As millions of Chinese have become stockholders for the first time, the business press has become more aggressive in shaking up China's corporations and shining a light on corruption. An increasingly influential business paper is the *Shanghai Securities News.* The paper warns of stock market shenanigans and covers civil lawsuits involving companies. A few weeks ago, the paper ran the first word of a lawsuit by a widow who sued a securities firm after her husband committed suicide. She claims the firm forced him to engage in illegal insider trading. ''This paper really tells us the truth,'' says one investor.

Radio is also slowly moving away from the party line. Talk radio abounds in the large cities, where people's frustrations and desires anonymously spill out over the airwaves. On Guangdong radio, callers regularly criticize the government, sounding off on everything from police brutality to trade policy. On one recent evening, crime is the big concern, as listeners complain about robberies on buses, highways, and city streets.

American talk radio it's not. But this profusion of media outlets has created a forum for the country's various power groups to fight their battles. In the past, the powerful Propaganda Ministry could homogenize the country's newspapers. Now, as the decentralized economy has given more power to regional chieftains, various factions are vying for control. With conservatives and reformers wielding control of media outlets, China has not one official press but several. People's Daily, controlled by the conservatives, therefore reports on strikes and rural unrest to demonstrate the dangers of policies advocated by reformers such as Vice-Premier Zhu Rongji, while Shanghai papers report on successful reforms.

Even though China's media can hardly be called free, the emergence of divergent voices means the center's ability to control people's minds has vanished. The very values upon which communism was founded are shifting. Since so few Chinese believe in its ideology, the Communist Party's leaders have no option but to press ahead with economic modernization—even as it unleashes social changes. To justify its existence, the party has to deliver prosperity, not class struggle. These pressures can only mount as more Chinese accumulate wealth.

THE DOOR IS OPEN

To contain the damage, Beijing's leaders have adopted a strategy of strategic retreats. By pulling back in certain areas, the leaders hope they can limit popular unrest and triumph in the end. But it's unlikely that 1.2 billion Chinese will be content with just the beginnings of a legal system, a freer press, and a trade-union movement. Having won those gains in the past few years, they are pressing for more.

Faced with these demands, the Communist Party will be confronted with tough choices. It can lash out, as it did in 1989. Or it can begin to transform itself, as did autocratic parties in Taiwan and South Korea. A violent crackdown would be a huge step backward and would be unlikely to work in the long term. As the years after 1989 have demonstrated, hard-liners cannot repress an entire society and still preserve economic reform.

No one is arguing that China is about to blossom into a multiparty democracy. The government's strategy is to co-opt potential pressure groups before they become independent political forces. The technocratic leaders who are gradually taking over the reins of power from the old-time revolutionaries are more willing to allow interest groups to express their viewpoints—but only as long as they remain within the confines of a single party.

For now, many Chinese say they are too busy making money to think about politics. Young Chinese, in particular, are learning that wealth means the freedom to travel, to buy foreign newspapers, to win a court case against a corrupt government official. ''If you have money,'' says a taxi driver in Fuzhou, ''then you can buy human rights.'' By this reckoning, the best thing Washington can do to nurture greater rights in China is to make sure its doors remain as open as possible to investment and ideas. ''We have confidence about the future,'' says Aven Yang, senior manager for materials at Northern Telecom Ltd.'s joint venture manager for materials at Northern Telecom Ltd.'s joint venture in Shekou. ''There is bread, and the door is open. We don't want the door to close.'' The rest of the world should make sure it doesn't.

By Joyce Barnathan in Shanghai, with Pete Engardio in Guangzhou, Lynne Curry in Beijing, Dave Lindorff in Hong Kong, and Bruce Einhorn in New York.

Mr. KIM. Mr. Speaker, I rise today in opposition to House Joint Resolution 96, legislation that would disapprove the President's decision to renew most-favored-nation [MFN] status for the People's Republic of China [PRC]. My reason for doing so is simple: While I share my colleagues concerns about the Chinese Government's actions regarding human rights, missile proliferation, and other bilateral matter, I do not believe that these issues should be linked to the basic foundation of trade between the United States and the PRC. I believe that there are more appropriate and effective means to address these important noneconomic concerns.

The People's Republic of China [PRC] has been denied permanent MFN trading status since 1951, when Congress revoked MFN status for all Communist countries. However, under the provisions of the Trade Act of 1974, the United States can grant temporary MFN status to China if the President issues a so-called ''Jackson-Vanik'' waiver.

In June of this year, President Clinton exercised this option—as he has in each of the previous years of his administration—and extended the Jackson-Vanik waiver for China for an additional year. In considering House Joint Resolution 96, we must now decide whether to exercise our congressional prerogative to disapprove this waiver—and deny MFN status for China. Following this debate, I hope Congress can move forward on the consideration of granting permanent MFN status for China and putting an end to this annual source of Sino-American tension.

In making this important decision, there are two questions that we must answer: First, is it in our national economic interest to continue MFN for China? Second, how does extending MFN for China influence our efforts to effectively address human rights and other bilateral problems between the United States and China?

The answer to the first question is unequivocally yes. Extending MFN to China would clearly yield substantial economic benefits to the United States.

China is our Nation's fastest growing major export market. America exported $9.8 billion worth of goods to China in 1994, an increase of 5.9 percent over 1993. These exports supported approximately 187,000 American jobs, many of which are in high-wage, high-technology fields.

But these benefits are only the tip of the iceberg. With a population of more than a billion people—and a GNP that has grown at an average rate of 9 percent since 1988—and 12 percent last year—the future export potential of the Chinese market is enormous. In industries such as power generation equipment, commercial jets, telecommunications, oil field machinery and computers, China represents a virtual gold mine of economic opportunity for American businesses.

The important of such a market is hard to understate: In a world where most existing major markets are saturated or are quickly maturing, it is critical that we find new and expanding markets for American products. China is just such a market. In fact, it represents one of the last reservoirs of raw economic potential left for American businesses to tap.

In short, if cultivated properly, a vigorous trading relationship with China could be a badly-needed cornerstone of American export growth—and overall economic growth—over the next few decades.

Denying MFN for China, however, would put that relationship at risk. I want to point out that MFN is a misnomer. MFN is not preferential treatment—it is equal treatment. By denying MFN for China, we would be denying China the same trading status that all but six of our trading partners have been granted.

Even worse, we would actually be punishing China by placing exorbitant ''Smoot-Hawley'' tariff rates, established earlier this century on the Chinese goods. For example, with MFN, waterbed mattresses exported to the United States from any MFN country—including China—would face a tariff of 2.4 percent. Without MFN, the tariff on this product would be 80 percent—an increase of 3,300 percent. This kind of punitive tariff would, for all intents and purposes, close the American market to Chinese products.

In other words, continuing MFN does not constitute special treatment for China—but rescinding MFN would deny China the trade status that we grant to virtually every other nation in the world.

How would China be expected to respond to such a punitive action? There's no way to know for sure * * * but I suspect that the Chinese would retaliate by quickly closing their market to American goods and would take their business elsewhere—an event that our international competitors, especially the Japanese and the EC, would note with glee.

And, even if a full-fledged trade war with China is avoided, there is still the risk of destroying all of the progress made so far on other United States-China trade issues.

For example, the United States has recently reached an historic accord with the People's

Republic of China on protection of intellectual property rights and market access. The accord contains a commitment on the part of the Chinese to crack down on piracy and to enforce intellectual property laws. It would also require China to finally open its markets to United States audio-visual products. Rescinding MFN for China would undermine this progress, and would eliminate any possibility of future progress on other trade related issues—such as full enforcement of the 1992 bilateral agreement prohibiting prison-made goods.

And there remain other serious trade problems between the U.S. and the PRC that need to be addressed.

For example, despite signing the 1958 New York Convention on Recognition and Enforcement of Arbital Awards, China refuses to enforce any claims awarded against Chinese firms under this agreement. As a result, American businesses such as Revpower, which was granted a $6.6 million arbital award for contracts that were violated and property that was unjustly expropriated, have never been able to collect what they are due. Such incidents raise questions about China's sincerity in enforcing such agreements and whether United States investments are safe in the PRC.

There are also many trade disagreements associated with the PRC's accession to the World Trade Organization [WTO] that need resolution, including the issue of permanent MFN status—which I support.

The fact is MFN provides the basic foundation to negotiate with China on these kind of trade issues. Without MFN, there is no trading relationship—and no reason for China to listen to us on trade related issues.

Finally, American consumers—especially those with limited incomes—are also penalized by denying MFN for China.

Many of the low-cost goods that American consumers have become so used to buying come from China. If we deny MFN, we will raise prices dramatically on those goods and undermine competition that lowers the price on goods from elsewhere. The result is an implicit tax increase on average American consumers, especially low-income families. For example, an extra $5–$10 dollars on a shirt may not be much for a Member of Congress, but for an average working family, this cost increase directly affects their standard of living.

In short, denying MFN for China can only have negative consequences for the United States. At a minimum, rescinding MFN would destroy the progress we have already made and would jeopardize future progress towards establishing an equitable trading relationship with the PRC. At maximum, denying MFN would cause a full-fledged trade war in which the Chinese market would be closed to American products.

Either way, the end result would be that American companies would effectively be shut out of one of the most rapidly expanding export markets in the world—sending hundreds of billions of dollars of future American exports down the drain. And in addition to these lost jobs, the standard of living of average working families will be lowered due to increased prices of consumer goods.

This scenario is easily avoidable. By continuing MFN status for China, we can take the next step toward promoting a strong economic relationship with this important trading partner—and put ourselves in position to reap the economic benefits that the Chinese market offers.

It is clear then, that extending MFN for China is in our national economic interest. However, the United States should not make foreign policy decisions based solely on raw economic benefits. In this case, we must also consider the effect that today's decision will have on our efforts to promote human rights and regional security.

I can understand the motivation of some of my colleagues who want to link MFN trade status to other issues like human rights, missile proliferation, the arrest of Harry Wu, population control activities and regional security. They are trying to fill the void on these important issues resulting from the Clinton administration's lack of a coherent, long-term China policy. I agree with them completely that this void must be filled—I disagree with the method. MFN linkage is not the way to promote progress on these other issues.

First, I believe that continuation of MFN for China will help promote further economic development and reform in the PRC. In the long term, I believe this economic reform will result in political reform. That is the exact trend that happened in Taiwan and South Korea and is currently happening in Indonesia and Malaysia.

Second, while perhaps having a short-term punitive effect on China, the denial of MFN makes it more difficult to address our long list of important non-trade concerns.

What incentives is there for China to adhere to human rights standards, comply with agreements it voluntarily made regarding missile exports and the proliferation of other weapons of mass destruction, halt nuclear testing, release Harry Wu, ensure a smooth transition in Hong Kong, and engage in responsible negotiations on regional security issues if the United States denies MFN? MFN denial is considered a hostile action by Beijing.

The struggle to succeed aged paramount leader Deng Xiaoping has already begun. Denying MFN would only exacerbate relations and play directly into the hands of the hardliners who are using tensions in Sino-American relations to bolster their position. The reformers—many of whom are dependent on further economic growth so sustain their popularity and reform program—would be undercut by the denial of MFN. And, it is these very reformers who will more likely address the human rights and proliferation concerns we have. So why give their opponents ammunition?

Mr. Speaker, if the Clinton administration had a coherent China policy which could effectively and forcefully address these serious concerns, then Congress would not feel compelled to have to step-in and fill the void. Unfortunately, we must.

However, in doing so, I urge my colleagues to do what is best for long-term American interests and not become sidetracked by short-term political expediency. I urge a ''no'' vote on the Resolution of disapproval.

Therefore, it is my hope that we will look at MFN for China, not as a point of contention between our two nations, but rather as the beginning of change that will bring new understanding within China. Economic gains result in further progress on human rights which can only promote a new era of security cooperation between the United States and China.

Thank you Mr. Speaker.

Mr. LAZIO. Mr. Speaker, the China question has vexed American policymakers for over a century as we struggle to define our relationship.

China is the most populous nation on Earth and offers an enormous market for United States products. In 1994 United States companies had $9.3 billion in sales to China. Last year, companies in my home State of New York sold China nearly $600 million in goods, and New York ranks fourth in the Nation in total export sales to that country. Importantly, exports to China support some 180,000 United States jobs.

China remains the key to the balance of power in Asia, and is well on its way to being the leading player in the Asia-Pacific region. Many experts believe that the Chinese economy will someday be the largest in the world, larger than even our own.

The United States Government cannot ignore such a geopolitical giant, and for us to deny China MFN status would be foolish and an unwise policy. China's cooperation is essential in dealing with global challenges of nonproliferation, the environment, refugees, and controlling narcotics traffic. Moreover, a unilateral trade embargo by the United States will have little effect since Japanese and European corporations will quickly move to fill the void. Importantly, we will lose the only leverage we have over China to bring about Democratic reforms and persuade them to conform with acceptable standards of international behavior. Without a strong economic presence in China, the United States will have little, if any, capacity to influence the evolution of the Democratic process in China.

Of course, we have numerous problems with the Chinese Government. We are deeply troubled by: consistent human rights abuses; the unfair imprisonment of American citizen, Harry Wu; an unwillingness to adhere to international standards of nonproliferation of nuclear weapons; a refusal to recognize the legitimate rights of ethnic minorities; and provocative military measures in the South China Sea. These are issues which must be addressed.

The Chinese Government should not feel that renewing MFN is a reward for its behavior, and we must keep the pressure on all fronts to push for Democratic reform. The pathway to democracy is through free and open markets, and renewing China's MFN status makes sense. It is good for our commercial and strategic interests, and it lays the groundwork for sustainable long-term progress in human rights as well as promoting many other important issues. Mr. BEREUTER's China Policy Act, which I support, does this. It also sends an important signal to the Chinese Government that its continued violations of internationally recognized human rights are clearly unacceptable. Therefore, I urge my colleagues to support Mr. BEREUTER's China Policy Act.

Mr. ACKERMAN. Mr. Speaker, I rise in strong support of Mr. BEREUTER's resolution.

It is fully within our rights to criticize the Chinese Government's highly inappropriate behavior, underscored recently by the case of Harry Wu. There is no doubt in my mind that we cannot stand idly by while an American citizen is treated with such disregard. The imprisonment of Mr. Wu is an insult to every American.

I also applaud Mr. WOLF's and Ms. PELOSI's support for the China Policy Act. Their efforts

were instrumental in forming the final language of this bill. With that said, I must add that House Joint Resolution 96, revoking MFN for China, must be rejected. It is the wrong message to send, and if we insist on sending it, it will hurt us. It is legislation that will accomplish nothing politically.

In that respect, what we are doing here is not symbolic. It is not kowtowing to China. It is not standing on the sidelines of the issue.

In fact, we are sending a very strongly worded message to China's leaders that we are very unhappy with their conduct. In answer to those who question a lack of action, this bill would require regular reports from the administration to Congress detailing China's progress in those areas of concern to us—particularly human rights violations, nuclear proliferation, and unfair trade practices.

We are not simply sending them a hint of our displeasure. We are actively pursuing a change in their policy. And we will be doing so without harming our own interests.

Critics of extending MFN to China counter that revocation of this status is the only way that we can affect change in China. They claim that we can only make ourselves heard, and persuade the Chinese to adhere to international norms, by disengaging ourselves economically—even at the expense of American industry. That is totally incorrect.

It has been said before, and I will reiterate it. We do need to express our displeasure with the Government and ensure that our concerns are heard and understood. For that reason, we need to remain engaged in China—economically and politically. Without those avenues, we will not have the leverage to accomplish what all of us in Congress, and in the United States, deem to be of the utmost importance—securing the full observance of human rights, democratic reforms, economic liberalization, and preventing the proliferation of China's weapons of mass destruction.

There is no argument here that we have many problems and concerns with China's internal policies and trade practices. We need to make it clear to the Chinese Government that their intolerable policies will not go unanswered. And in answering we will use all of the means necessary within our relationship to convey our views to them. However, we need to act within the construct of our established relationship, thereby working toward our goal of a free and democratic China. I commend Mr. BEREUTER on his well-written and well-directed bill, and I urge its swift passage.

Mr. MARKEY. Mr. Speaker, the Chinese Government, and the defense industrial companies through which it operates, has established itself as the arms supplier of choice for many of the world's rogue states. We have granted China most-favored-nation status, and Beijing has responded by becoming the most eager vendor in the international nuclear marketplace. While we, in Congress, have been appropriating billions of dollars to encourage peace and security around the world, Beijing has been selling weapons of mass destruction to the highest bidders, regardless of the consequences. Over the past several years, the Chinese Government has: Delivered missile guidance systems to Iran; sent M–11 ballistic missile technology to Pakistan and aided Pakistan's efforts to develop a covert nuclear weapons program; sold Silkworm missiles to Iraq; and provided nuclear technology to Algeria.

In addition to sending sensitive technologies to outlaw nations, China continues to increase its military muscle at home by: Pursuing a secret program to develop biological weapons; continuing its underground nuclear test explosion program despite an international testing moratorium in effect since 1992; and conducting military exercises in the East China Sea just north of Taiwan.

Mr. Speaker, Beijing has a rapsheet that would make any thug proud. But instead of getting 10 to 20, the Chinese Government keeps getting billions of dollars worth of tax breaks which have helped it run up a massive trade surplus with the United States.

Over the years, I have stood in the well of the House to speak out against a Chinese regime which ignores international security rules, systemically oppresses it own people, and demands preferential trade status while refusing to provide equal access to its own market. Since last year, the Chinese Government record has deteriorated even further: American citizen Harry Wu has been detained, political prisoners are still being held in a Chinese ''Gulag Archipelego'' stretching across the country, and China's trade and proliferation policies remain dismal.

I stand here today in support of H.R. 2058, the China Policy Act of 1995, which I believe will send a message to Beijing's ruling clique: We're watching you. We'll be checking your progress in the nonproliferation, trade, and human rights. And it's time to clean up your act.

I still however, support a complete cut-off of MFN status for China because I don't believe we should label as ''most favored'' the regime operating in Beijing. I hope that this bipartisan bill serves as a wake-up call for China's dictators.

Mr. CRANE. Mr. Chairman, I rise in support of the view that China's MFN trade status should be preserved. As the previous Bereuter bill makes clear, the Chinese Government is, in many ways, a brutal and anachronistic regime, intolerant of dissent and responsible for grave human rights abuses. Yet under this repression flourishes one of the world's largest and most rapidly growing economies.

Free-market reforms taken in the name of ''Leninist Capitalism'' have dramatically increase in the well-being of Chinese citizens to the degree that per capita income in China now doubles every 6 to 7 years, United States commercial involvement in China has been an integral part of this dramatic change, contributing significantly to the improvement of living conditions in China.

There are currently over 2,000 United States companies with $6 billion invested in mainland China. A close look at these operations reveals countless separate contributions to Chinese well-being above and beyond basic employment. United States businesses offer management development programs, scholarships, on site medical clinics, and gifts to charitable causes in China. Operating under the strictest standards of safety, hygiene, and environmental protection, these firms, by their presence and example, spread United States values and ideals throughout the communities in China where they are located.

As employees of United States companies, Chinese citizens are able to interact with their government on a more independent basis than would be possible absent United States support and employment. Pluralism and personal liberty also are enhanced through government to government contacts, scientific exchanges, personal travel, and increased international awareness of Chinese Government activities.

While beneficial to the average Chinese citizen, United States commercial involvement in China also is critical to United States economic and strategic objectives. Since 1980, when MFN was first granted to China, United States exports have increased 438 percent compared to an overall increase in United States exports of 156 percent during the same time period. As other speakers will lay out, a policy that preserves United States interaction with Chinese society puts us in the best position to leverage the Chinese Government in the sensitive areas of weapons proliferation, North Korea, and market access for United States exports.

House Joint Resolution 96, would set back all progress the United States is making with China. Such a policy of unilateral confrontation must be rejected in favor of a strategy that preserves United States leadership in Asia, and maintains our commitment to the people of China, Hong Kong, and Taiwan.

Mr. CLEMENT. Mr. Speaker, denying most-favored-nation status to China is not in the best interest of the United States.

Because of its size and location China will be a pivotal nation in the Pacific rim well into the 21st century. The damage inflicted by revoking MFN to China will have serious consequences for our economy.

China has one of the fastest growing economies and is one of the largest markets in the world. United States businesses have made significant inroads into the Chinese market. In 1993, Tennessee companies exported $58 million in goods to China. In 1994, Tennessee companies exported $384 million to China, a 567-percent increase. Just last December, Nashville hosted the first economic summit to help Tennessee businesses learn how to capitalize on the Chinese market.

Denying MFN to China would surely result in retaliatory action against American goods, and the loss of hundreds of thousands of jobs across America which are dependent upon our future trade with China. In fact, a Chinese delegation will be visiting Tennessee to pursue joint venture projects with 30 Tennessee businesses. If we vote to deny MFN today we are voting to kill jobs, and we are robbing States such as Tennessee of millions of dollars in potential revenue.

China is an extremely fertile market with tremendous possibilities. American businesses and the American economy need China. If U.S. companies are forced to pull out, you can be sure there are plenty of other nations that will be all too happy to fill that void. Most importantly, China needs America. The presence of businesses from the West have contributed greatly to the transition of the Chinese market from that of state-run to privately owned and operated establishments.

I certainly understand my colleagues concerns about China's human rights record, and I join them in condemning these practices. I believe we should continue to push for human rights improvements in China. Trade has been the avenue which has allowed the West to make tremendous strides in bringing about a more open and free society in China.

The United States is committed to being a leader in the international community. We have been very successful because we have

led by example. It would be impossible for the United States to lead by example if we did not have a presence in China.

Mr. Speaker, I urge the defeat of this resolution.

Mr. BARRETT of Nebraska. Mr. Speaker, I rise in opposition to H.J. Res. 96 that would deny most-favored-nation [MFN] trade status to China.

I can understand the reasons why the gentleman from Virginia proposed an MFN disapproval resolution. But, I'm not convinced that an embargo, the effect of withdrawing MFN status, would punish China's use of prison labor, human rights abuses, and possible violations of arms control agreements.

Taking away MFN will actually strip us of a powerful tool that we can use to push for change, while having a negligible effect on China. Denying MFN to China forces us to turn our backs on Chinese human rights abuses. But MFN gives us the leverage and access needed, to encourage improvements in China's treatment of its citizens.

Let's keep the lines of free ideas open through trade. Discussion between two friendly trading partners is more effective than criticism between two nations involved in an embargo or trade war. Change is generated by communication and cooperation, not alienation.

I encourage my colleagues to support the committee's position, in opposing this measure, and support the continuation of MFN status to China. I believe we can do what's best for trade while engaging the Chinese to produce change.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, as we debate China's most-favored nation status, we must view American policy toward China with consideration of many issues.

Those issues include human rights, trade, the peaceful transition of Hong Kong and weapons proliferation.

Human rights must continue to be a vital consideration as America formulates its policy toward China, as well as policy toward other areas of the world.

Obviously, we are all concerned about China's recent behavior, and the detention of American Harry Wu. Regardless of our action here tonight, Mr. Wu must be released, and we should continue to pursue that result.

However, the United States must pursue policies which are specific to each of the issues which affect our relationship to China in order to achieve positive results.

The continuation of China's most-favored-nation status is a necessary part of America's policy toward China.

To be effective, to spread the word of freedom around the world, America must continue to be engaged in world events.

Through American influence, positive changes can be made in other societies, including China. The transfer of information, which our trade relationship provides, is crucial to achieving change in China, without MFN, this change will not occur.

Mr. STARK. Mr. Speaker, I am very disappointed that the China Policy Act contains no teeth, and I urge support of the resolution disapproving MFN for China.

How long are we going to appease the murderous, nuclear proliferating, United States-citizen-arresting regime in Peking?

Most of us have seen the movie, ''Schindler's List.'' What is going on in China is similar: factories churn out goods made with slave labor. By giving MFN to China, we give China a $37 billion trade surplus with us—and a lot of that is blood money. The world community failed to do the right thing 50 years ago. We are failing to do the right thing now. We should be ashamed.

Yesterday, I nominated my constituent, Mr. Harry Wu, for the 1996 Nobel Peace Prize for his determined efforts on behalf of human rights. I am saddened and disappointed that the Congress will not act with the same courage as demonstrated by Mr. Wu.

The SPEAKER pro tempore. All time has expired.

Pursuant to House Resolution 193, the previous question is ordered.

The previous question was ordered.

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

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

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

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 416, nays 10, answered ''present'' 1, not voting 7, as follows:

[Roll No. 536]

YEAS—416

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

NAYS—10

Burton	Kaptur	Souder
Chenoweth	Pickett	Stockman
Funderburk	Scarborough	
Jones	Seastrand	

ANSWERED ''PRESENT''—1

DeFazio

NOT VOTING—7

Bachus	Moakley	Reynolds
Collins (MI)	Nadler	
Jefferson	Owens	

□ 1346

Mrs. CHENOWETH, Mr. JONES, Mr. BURTON of Indiana, and Mrs. SEASTRAND changed their vote from ''yea'' to ''nay.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. NADLER. Mr. Speaker, earlier today I was unavoidably detained and missed rollcall No. 536 on the Bereuter amendment. Had I been present, I would have voted ''aye.''

□ 1345

PARLIAMENTARY INQUIRY

Mr. DEFAZIO. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. EMERSON). The gentleman will state it.

Mr. DEFAZIO. Mr. Speaker, did I understand the Chair to say the bill is passed? Was there not a further pending vote on the resolution of disapproval?

The SPEAKER pro tempore. The Chair would advise the gentleman that the bill has passed. There is an addition measure to be considered.

Mr. DEFAZIO. A separate resolution?

The SPEAKER pro tempore. Separate under the rule.

Pursuant to section 2 of House Resolution 193, it is now in order to consider House Joint Resolution 96.

DISAPPROVAL OF EXTENSION OF MOST-FAVORED-NATION TREATMENT TO THE PRODUCTS OF THE PEOPLE'S REPUBLIC OF CHINA

Mr. ARCHER. Pursuant to House Resolution 193, I call up the Joint Resolution (H.J. Res. 96), disapproving the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of the People's Republic of China, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 96 is as follows:

H.R. RES. 96

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress does not approve the extension of the authority contained in section 402(c) of the Trade Act of 1974 recommended by the President to the Congress on June 2, 1995, with respect to the People's Republic of China.

The SPEAKER pro tempore. Pursuant to House Resolution 193, the gentleman from Texas [Mr. ARCHER] and the gentleman from Virginia [Mr. WOLF] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. ARCHER].

Mr. ARCHER. Mr. Speaker, I yield such times as he may consume to the gentleman from Texas [Mr. ARMEY], the distinguished majority leader.

Mr. ARMEY. Mr. Speaker, pursuant to an agreement between the minority, the majority, and the interested parties, the chairman of the Committee on Ways and Means, the gentleman from Texas [Mr. ARCHER], and the gentleman from Virginia [Mr. WOLF], will each control 10 minutes to debate the motion to table, after which the gentleman from Virginia [Mr. WOLF] will be recognized to move to table the motion of disapproval.

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

Mr. ARMEY. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I agree with the procedure, and I will be happy to handle our time.

PARLIAMENTARY INQUIRY

Mr. DEFAZIO. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Oregon will state his parliamentary inquiry.

Mr. DEFAZIO. Mr. Speaker, if I understand the majority leader, he said on a nondebatable motion, there was some agreement to debate it, 10 minutes being allocated to two Members. I am wondering if that requires unanimous consent.

The SPEAKER pro tempore. No, the allocation of debate time is in order under the rule.

Mr. DEFAZIO. The rule made specifically in order that a nondebatable motion to table be debatable, but not the resolution itself?

The SPEAKER pro tempore. The gentleman is correct that debate will precede the motion to table.

The Chair recognizes the gentleman from Texas [Mr. ARMEY].

PARLIAMENTARY INQUIRY

Mr. LANTOS. I have a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LANTOS. I would ask, Mr. Speaker, are both sides in control of the time in favor of tabling this motion?

The SPEAKER pro tempore. The Chair would note that the rule, House Resolution 193, allocates debate time for consideration of the joint resolution and does not require that the time be divided between proponents and opponents.

Mr. LANTOS. If I may continue my parliamentary inquiry, Mr. Speaker, I believe House rules do. We have had precedent for that when there was both on the majority and minority side the determination to grant Most Favored Nation treatment to Romania. I objected on parliamentary grounds, and the Speaker at that time granted me part of the time to express the views of those who are opposed to the tabling motion.

The SPEAKER pro tempore. The Chair will state that the rule was adopted pursuant to the rules of the House, and the rule that was adopted by the House is the rule that is in effect for the consideration of this resolution.

Mr. LANTOS. May I continue my parliamentary inquiry, Mr. Speaker?

The SPEAKER pro tempore. The gentleman may continue.

Mr. LANTOS. Mr. Speaker, is there any rule of the House which mandates that a portion of the time be allocated to opponents of a proposed legislation if both the majority and the minority are on one side?

The SPEAKER pro tempore. In the case of a specific rule, the specific rule controls, and a specific rule has been adopted.

Mr. LANTOS. Under those circumstances, Mr. Speaker, I ask unanimous consent that those of us who are opposed to tabling this motion be allocated half the time.

Mr. ARCHER. Mr. Speaker, reserving the right to object, and I do feel constrained to object, because there has been agreement between the majority and the minority as to how this issue will be debated, so I am constrained to object.

The SPEAKER pro tempore. Objection is heard.

The Chair would state that the gentleman from California [Mr. LANTOS] could ask anyone possessing time to yield to him.

The Chair recognizes the gentleman from Texas, the majority leader.

Mr. ARMEY. Mr. Speaker, let me begin my comments by commending Members on both sides of the aisle for the professional manner in which they have worked together to write the resolution just passed by the House. Specifically, I would like to commend the minority leader, the chairman and ranking members of the Committee on Ways and Means, the gentleman from Nebraska [Mr. BEREUTER], the gentlewoman from California [Ms. PELOSI], and the gentleman from Virginia [Mr. WOLF], all of whom made great efforts to ensure passage of this important resolution that sends a strong signal to the Chinese Government about the need for human rights reforms, while encouraging them to become a responsible actor in the world economy.

I believe that continuing a trade relationship with China, including encouraging the Chinese to enter the World Trade Organization on a commercial basis, where they accept all the obligations as well as the benefits of membership, combined with other

diplomatic initiatives, is the best way to move China toward human rights and democracy.

I am concerned that escalating tensions between the two nations, if allowed to continue, and Mr. Speaker, if I may again, to emphasize this point, I am concerned that escalating tensions between the two countries, if allowed to continue, will further set back our ability to encourage the march of democracy and free market in China.

The message sent by the House resolution, combined with granting MFN treatment, strikes the right balance. Accordingly, I commend the House for its action today and strongly urge my colleagues to support the following motion to table the motion of disapproval.

Mr. Speaker, if I may just finish on a personal note, where I may dare speak for all the House in this action today, what we have done today, despite our many disappointments in the behavior with respect to human rights of the Chinese Government, is to express our hopes and dreams for the Chinese people. It is our belief that a world in which they are free to trade is a world in which they can find greater freedom, greater peace, greater prosperity.

We are willing to accommodate the Chinese people's right to participate in that world, and we again emphasize on behalf of the Chinese people, on behalf of freedom throughout the globe, our encouragement to their government to observe human rights.

Mr. COOLEY. Mr. Speaker, will the gentleman yield.

Mr. AREMY. I yield to the gentleman from Oregon.

Mr. COOLEY. Mr. Speaker, I want to voice my objections to my position on the last vote. If I would have known that the rule was set in such a way, and some of my colleagues over there, that we would not have the opportunity to debate House Joint Resolution 96, I would not have voted in the affirmative on H.R. 2058.

Mr. WOLF. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri [Mr. GEPHARDT], the minority leader, and I ask unanimous consent that he be permitted to control that time.

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

There was no objection.

Mr. GEPHARDT. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. DEFAZIO].

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

Mr. Speaker, this is a troubling moment for the House of Representatives. I would say that 95 percent of this House believed that we were going to have the opportunity to vote on an actual resolution of disapproval for MFN for China because of their human rights record, because of their unfair trade practices, because of their acting in concert with nuclear terrorists and in violation of the nonproliferation treaty.

For a whole host of reasons, a large number of Members of the House wanted to vote on a straight up-or-down resolution of disapproval. That will not be allowed, Mr. Speaker. A deal was cut, we were not informed of this deal, it was not explicit in the rule, but a deal was cut. I found out about it this morning in a meeting over on the Senate side. They knew about it, but it certainly was not provided to Members of this body.

Now, Mr. Speaker, we are going to have to vote on a motion to table. Vote ''no'' on the motion to table. If Members want to vote up or down on MFN for China, if Members want to send something other than a meaningless message, they can paper it over all they want, but what did the resolution we just adopted do? Intensify diplomatic initiatives, for the 10th year in a row; a report from the President for the 10th year in a row about the abuse in China; but there is one new significant act, we are going to broadcast Radio-Free America into China, while they continue all the same unfair trade practices, the same repression of human rights, arresting of United States citizens, dealing with nuclear proliferation. That is all going to continue.

All they want is the money. They do not care what we say. They do not care about empty words and gestures. They understand one thing: money and power. Did appeasement work in Bosnia? Do Members think appeasement is going to work any better with the oligarchy, the gerontocracy that runs China? No. We are going to get one vote. Vote against the motion to table. That is the only vote we will get on MFN.

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

Mr. Speaker, as the debate here today has testified, the United States bilateral relationship with China is deeply troubled. Frankly, I do not see a time in the immediate future when relations between our countries will not be marred by difficult disputes. They arise out of authoritarianism, government repression, and vast cultural differences.

My goal for the United States is to pursue democratic reforms in China by maintaining a strong United States presence. This is the only way to influence the turbulent change that is occurring there.

House Joint Resolution 96 is the wrong approach because it would sever trade ties between United States citizens and the people in China we want to help the most. The commercial opportunities set in motion by MFN trade status have given Chinese workers and firms a strong stake in the free-market reforms occurring in China. Business relationships make possible the transmission of our values and beliefs. They put U.S. citizens in a position to lead by example.

Denying MFN to China would inflict a high cost on United States firms. The 180,000 United States jobs which are supported by United States exports to China are at stake. More difficult to quantify is the damage we would do to the future competitiveness of United States companies. Shutting them out of the Chinese market will cripple their efforts to succeed in Asia over the long term.

China's economy is now ranked as the third largest in the world, behind only the United States and Japan. Continuing to embark on massive infrastructure programs, China is spending billions of dollars annually in sectors where the United States leads—sectors such as high-technology equipment, aerospace, petroleum technology and telecommunications. With per capita income doubling every 6 or 7 years, the Chinese economy is expanding at an astounding pace.

U.S. interests on questions of national security are also at stake in this debate. If the United States is to find common ground with China on issues such as North Korea, weapons proliferation and military expansion in the South China Sea, we need a functioning bilateral relationship.

American policy toward China must continue to rest on a clear view of our long term interests, both economic and strategic. We can and should denounce human rights abuses, but without the tools of engagement, we make ourselves powerless to ease the vise of state control in China.

I commend the gentleman from Nebraska [Mr. BEREUTER] and my colleagues from both sides of the aisle for their hard work in achieving a unified House position on the message we need to send to the Chinese and the mechanism by which we have dealt with the legislation today. We need a tough but flexible approach to China that intelligently balances United States interests in this strategically important region of the world.

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

Mr. GEPHARDT. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. LANTOS].

Mr. LANTOS. I thank my good friend the distinguished leader for yielding me the time.

Mr. Speaker, what is at stake now is something far more important than MFN for China. What is at stake is the integrity of the workings of this House.

Many of us voted for the earlier resolution under the assumption, which was made very clear to us, that we will have an opportunity to vote up or down on MFN for China. Many of us spoke on the previous resolution, indicating our willingness to support the rhetoric of that resolution but demanding the opportunity of expressing ourselves vis-a-vis China in a way that China understands.

I earnestly plead with my colleagues under present circumstances to vote against the motion to table. We are not

dealing not just with the China issue. We are now dealing with the integrity of the procedures of this House.

Many of us came in here seeing that the previous resolution was verbiage, very little teeth in it, practically none. That is why we got a practically unanimous vote. The feeling of the House is divided on MFN for China, and we should have an opportunity to debate most-favored-nation treatment for China as we have had that opportunity every single year since I have served in this body.

There is no reason why the 104th Congress will decline a vote on most-favored-nation treatment for China. It will go ahead, anyway, even if we win, because the President will veto our vote and we will not have the numbers to override it. But it goes to the integrity of our procedures. I am making a sincere plea on both sides to reject the motion to table so we can have an up-or-down vote on MFN for China.

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

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

Mr. GEPHARDT. Mr. Speaker, I apologize to any Member who felt that this procedure was wrong, and any part that we took in setting the procedure was not meant to knock anybody out of expressing their view.

I am going to vote to table. I am as troubled and frustrated as anyone in this country and in this body about what is happening in China. The gentleman from Virginia [Mr. WOLF], the gentlewoman from California [Ms. PELOSI], the gentleman from Nebraska [Mr. BEREUTER], and the others who have talked on this issue and been vocal on this issue feel as strongly as anybody in this country.

The truth is none of us know what to do to get China to change. We do not want it to be another Soviet Union and we do not want a 40-year cold war with the largest country in the world. We are all horribly frustrated that this country does not seem to be able to change, to give its people human rights.

Whatever happens on this vote to table, and I believe we will have a vote, and probably we should have a vote, but whatever happens, China must get one message from this debate, and that is that this country will not stand by forever and have people's human rights violated to the extent this country is violating people's human rights. The day will come, if there is not change, when all 435 people in this body will say enough is enough, and we will not go forward with trading with people that will not give people basic human rights.

Time is running out for our patience. We say to China with one voice, Democrat, Republican, liberal, conservative, and moderate, ''Please, come into the world of nations, give people human rights, give people basic human decency.''

Mr. ARCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GIBBONS], the ranking minority member of the Committee on Ways and Means, and I ask unanimous consent that he be permitted to control that time.

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

There was no objection.

Mr. GIBBONS. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California [Ms. PELOSI]. I know of no one who is better qualified in this entire body to speak on this subject.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for his kind words and for yielding me the time.

Mr. Speaker, I rise to say to my colleagues that I hope that you will take the lead of our Democratic leader, the gentleman from Missouri [Mr. GEPHARDT], and of the gentleman from Texas [Mr. ARMEY] to let this motion to table pass. I think it is in the interest of promoting human rights in China, of addressing our concerns about unfair trade practices and the proliferation issue.

I want to commend once again the gentleman from Nebraska [Mr. BEREUTER] for his leadership in working with the gentleman from Virginia [Mr. WOLF] and with me to accommodate many of the provisions of our own Wolf-Pelosi bill into his bill.

God knows over the years the gentleman from Virginia [Mr. WOLF] and I have fought the fight on MFN in China. I still think an appropriate route to go might have been to condition or to target certain products for revocation of MFN. But the options that we have before us are to send a very clear, unified message of support and concern about those issues.

Not only that, and I address my colleague the gentleman from Oregon because I know of his concern on these issues, the Bereuter bill has teeth. It has a reporting requirement for the President. We have not had that before.

Let us be frank with each other about this issue. Part of the time in this body we have been trying to get leverage with the Chinese, and part of the time we have been trying to get leverage with the President of the United States to use whatever means at his disposal to improve human rights, eliminate the unfair trade practices, and address the proliferation issues. This legislation gives us leverage with the President because of the reporting requirement.

I urge my colleagues to allow the motion to table to pass, I hope without a vote, because I think a small vote on the motion to table will send a wrong message to the Chinese Government that that is the measure of support for concern in China instead of the Bereuter bill. I urge our colleagues to do as our leader has requested.

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

Mr. Speaker, I urge our colleagues to please follow the wise, enlightened, as well as passionate, work of the gentlewoman from California on this subject. I know of no one in this body, and I have followed this issue for 20 years, who has worked harder and more diligently and more intelligently on the very difficult problem.

As she says, and let me reiterate it, let us not dilute the message to the Chinese Government and the Chinese people that is included in the bill that we just passed by an overwhelming vote here in the House. We do not want to dilute that. We want that message to get through very clearly.

Please lay the motion to cut off MFN on the table, which is not going anywhere, will not pass, all of us know it is not going to ever become law, and let us act realistically on this. Let us act together, and follow the lead of the gentlewoman from California.

Ms. PELOSI. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I yield to the gentlewoman from California.

Ms. PELOSI. Mr. Speaker, I am not sure that the motion to revoke would not pass. It may not become law. But I will not concede that we did not have that leverage with this body.

Mr. WOLF. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON].

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

Mr. SOLOMON. Mr. Speaker, I echo the remarks of the minority leader. Let us just tell everybody on this floor right now, this is the last time. Next year there is going to be a vote on a resolution of disapproval, and we are going to revoke most-favored-nation treatment for China unless that regime becomes a decent government in this world of ours.

Mr. Speaker, 1 year ago, when President Clinton severed the link between human rights and the annual renewal of China's MFN status, and the Chinese communist regime responded by issuing an official statement through its Foreign Ministry that called upon the United States to show sincerity and to take concrete action toward improving United States/China relations.

Can you imagine that? We hand them a $29 billion trade surplus in 1994 alone and softpedal our other concerns, and still the dictators in Beijing call on us to demonstrate sincerity and to take concrete action.

That is what they said. Here is what I said. On August 9, 1994, when the House debated whether or not to renew China's MFN, I listed all of the abuses that have taken place in China ''in the context of 14 straight years of MFN treatment.''

And I concluded, ''No, Mr. Speaker, appeasing China does not earn us their respect and their cooperation. It earns us their contempt.''

Now listen to these words: ''Frankly, on the human rights front, the situation had deteriorated.'' That was Assistant Secretary of State Winston Lord last January 11—some 7 months after human rights considerations were delinked from MFN.

What a shocker. ''On the human rights front, the situation has deteriorated.''

But then Lord went on to say, ''China is a somewhat difficult partner these days.'' Well, hello?

Few things in life are more unsettling than the sight of a crestfallen U.S. diplomat expressing his disappointment at the intransigent behavior of a communist regime.

My only question is: Partner in what?

Mr. Chairman, and Members, I actually do fear that we have entered into a kind of partnership with China, but certainly not the kind of partnership that Winston Lord had in mind.

It is a partnership that reveals that some elements in the American business community are so anxious to make a quick buck in China, and their supporters in government are so anxious to curry favor with the dictators in Beijing, that there is no policy or practice carried out by the Chinese Communist regime that we are not prepared to tolerate in the interest of preserving business as usual.

United States exports to China—which were already low to start with because China does not give MFN treatment to us—rose by 60 percent in the 5 years between 1989 and 1994.

During that same period, since the Tiananmen Square massacre, Chinese exports to the United States rose by 223 percent. And our trade deficit with China has gone up by a staggering 377 percent—to a level of $29.5 billion in 1994 alone.

In 1989, about 23 percent of China's total exports came to the United States. By 1994, that figure had risen to nearly 37 percent.

The trade deficit we are running with China will approach $40 billion this year and, within 2 years, it will be larger than the one we have with Japan.

And what do we have to show for all this? More specifically, what progress can be pointed to by those who advocate trade or commercial engagement—to use the administration's term—as the means for getting the Chinese regime to modify and reform its course?

The answer is already in as far as human rights are concerned.

Things have gone from horrible to worse, if that was even possible.

One effort after another to try to get China to open up has failed. That isn't me saying it—the State Department is saying it.

Yes, China loves our money. China loves its access to American markets. It's our ideas that have made America so successful a democracy that the Chinese dictatorship cannot stand.

But, today, I want to discuss a vitally important issue that is only now starting to get the international attention it deserves.

China's defiance of the nuclear nonproliferation regime is well known.

But only now is notice being taken of the rapid and unwarranted buildup of military power that China has been pursuing since 1989.

As long ago as 1980, China successfully test-fired an ICBM capable of delivering a nuclear warhead to a target up to 8,000 miles away.

But until 1989, most credible outside observers regarded the Chinese armed forces as being a rather cumbersome, bloated, politicized, and somewhat antiquated operation that might prove to be more of a hindrance to China's superpower ambitions than anything else.

All of that has changed since 1989. The gradual decline in military spending that had been seen since the late 1970's was reversed decisively in the aftermath of Tiananmen Square.

In 1994 alone, military spending in China rose by 22 percent over the previous year, which itself had seen a 13 percent increase over the year before that. All told, military spending has more than doubled since 1989.

And these figures I have cited represent only the tip of the iceberg—they are the figures which the Chinese regime publishes officially.

The true costs of research and development, procurement, and subsidies to the defense industry are evidently spread—and hidden—throughout China's national budget.

Along with this dramatic acceleration in military spending, China has totally revised its military doctrine since 1989.

The historic reliance on a huge, land-based army has been replaced by new emphases on the building of an expanded and survivable nuclear strike capability and the development of a modern navy.

Since the late 1980's, and aside from the rapid expansion in its fleet of surface ships, China has launched 11 submarines, each to be armed with 12 short-to-intermediate range missiles capable of delivering a nuclear warhead to a target up to 3,500 miles away.

In preparing for this debate, I was astonished to learn that the authoritative Jane's Information Group, based in London, has estimated that if present economic trends in China continue, and if military spending continues to grow at its present rate, by the year 2000 China will have the second largest defense budget in the world—and it could total well over $100 billion a year.

Mr. Speaker, all of this is taking place at a time when virtually every other country on earth is reducing its military spending.

Moreover, it is coming at a time when China's borders have been more secure than at any time in at least the last 150 years.

I sadly fear that the current sabre-rattling in the Spratly Islands, which are 900 miles from China and well within the territorial waters of the Philippines, is only a small taste of what it is to come.

Mr. Speaker, I believe United States policy toward China is wrong-headed and leading us to disaster. I believed this under President Bush and I believe it under President Clinton.

When are we going to see the Chinese regime for what it truly is?

A remorseless, ambitious, amoral, self-confident, even cocky, communist dictatorship that is bent on achieving regional dominance throughout the Far East—that's what it is.

And the Far East isn't where China's ambitions stop. Believe me, a China which is not at peace with its own people will not be at peace with America.

During the cold war, there were Members of Congress who criticized—and rightly so, in certain instances—some of the unsavory characters and regimes with which our Government was pursuing a relationship in the interest of containing communism.

But what is our excuse now? Now that the Soviet Union has collapsed, what is the urgency of maintaining business-as-usual with the likes of Beijing?

From 1945 on, we were faced with the reality of Soviet power and ambition. It was there—we had no choice but to try to contain it.

But in the 1990's, we seem bound and determined to do what ever we can to help give the Chinese Communist regime the means to realize its national ambitions.

Not that the people of China will benefit. They will suffer the consequences of this folly just as surely as we will.

That is why, Mr. Speaker and Members, I believe human rights and American values have to be put back into the central focus of the United States-China relationship.

Mr. Speaker, I implore all Members to vote for the temporary cutoff of most-favored-nations-status to China until they abandon their rogue status that has no respect for human rights or human life itself.

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

Mr. Speaker, let me just say that I despise the Chinese Government as much as anybody in this body. Let me just back up before I say that and say, if there is any blame for the procedure today, it is my fault. If you blame, blame me.

We met with the dissidents, we met with those who have family members in jail, we met with the Christians in China, and they said this would be the best procedure for them. They said if we could get a good, strong vote, and in the resolution that many of you maybe did not even read, do not denigrate the resolution. It for the first time puts the Congress on record in support of the democracy movement.

Let me tell you, those of you who love MFN, it has put you on a spot, because next year if the Chinese have not stopped all they are doing, many of you are going to be morally obligated to take it away. This is good and this is what the dissidents in China said. This is what the people who are students have come and said. This helps them. And I wanted to do it.

Second of all, Harry Wu is a friend of mine. I helped bring Harry to town. I feel responsible in some respects for Harry being in jail. I have been in touch with Harry's wife for the last few weeks. She has been by my office. We have set up all the meetings. I care about Harry. What happens to Harry is partially my responsibility.

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My colleagues are men and women who are absolved from it. They did not bring him to town. They did not hold the hearings. They did not push Harry's organ transplant video out. I did, and he is my responsibility. And if I offended anybody, I apologize, but I take the full and complete responsibility for the procedure that we are doing.

Go back into China. They are killing people in China 25 and under and using their kidneys for transplant. We know that. We know that because of Harry. We have been trying to get many of our colleagues to come and see the film; not many have come and seen the film.

We also know that they have a forced population policy. The gentleman from New Jersey [Mr. SMITH] has been a leader in that. We have a video, that we could not get many of our colleagues to come to see, that we showed

the other day where there are dying rooms. They put baby girls in these rooms and they die. They die. They do not feed them.

My colleagues say, ''What are you talking about?'' Come to my office. I will show you the video. That is what they do. We know they sold weapons. They sold weapons to Iraq that killed American men and women. We know that. We know they are selling chemical weapons. We know what they are doing with regard to their nuclear technology. They are selling weapons to the Khartoum Government in Sudan that are being used to kill black Africans in the Sudan.

I know how bad they are. I know they are worse than many of my colleagues even think they are. Do I believe that business is necessarily going to change them? I don't believe it. I am not a mercantile Republican Cato libertarian. I don't believe business necessarily changes it.

Mr. Speaker, I have been to the Holocaust Museum and I saw the people that made the same argument with Nazi Germany in 1933 and 1935 and 1937. Do a little more business and maybe it will change them. I do not believe it will.

I have met with Li Peng, the gentleman from New Jersey [Mr. SMITH] and I. He is a butcher. He has blood on his hands. The blood drips from his hands. And some day when Li Peng stands before the King of Kings and the Lord of Lords, he is going to have to explain what he did and how he killed all of those people.

But what does that get us now? We can put our frustration and offer it, and I apologize and ask my colleagues' forgiveness. I beg their forgiveness if I offended anybody. But if we get a vote with 35 or 38, we will confuse the Chinese. They do not know what that means; they know what this means.

And many of my colleagues, many of them voted for this really without reading it. This is tough. The gentleman from Nebraska [Mr. BEREUTER] did a great job. And I take my hat off to the Speaker. The Speaker was involved in working this out. I do not think we could have done it if he had not put his personal prestige on the line. This was not some fly by night thing we did. This will help the democracy movement in China.

As I made a note, as I commented the first time I debated it, I said every night I pray for China. I pray that China is free. I remember once I was at a town meeting several years ago and a lady asked me, ''What happened? Why did communism fall?'' And you know what I said to her? I said what any Republican would say. I said, ''It fell because we had the B–1 and Ronald Reagan was tough and all.''

And you know what she said? She said, ''Young man that is not why it fell. Maybe that helped, but'' she said, ''communism fell because many of us as little girls and boys have been praying for the defeat of communism.''

Mr. Speaker, we should pray and we can pray for the defeat of communism in China and I believe it will come. We will all live to see it. We will live to see the day when they can sell Popsicles in Tiananmen Square and laugh and run and do all those things. Do my colleagues want that to happen? The resolution you passed is the right thing. Do not even have a vote to table, because it will confuse people.

Mr. Speaker, my last comment is the Congress has been on record and my colleagues are going to have to deal with this next year. Unless the Good Lord takes me, I am coming back next year and if there has been no change, we are going to put in a motion to disapprove.

The last thing I say to the business community, if they happen to be listening, I would have hoped that the business community would have taken the same attitude that the gentleman from Nebraska [Mr. BEREUTER] and many Republicans and Democrats who have come together. The business community has been silent. They have been silent.

It reminds me of the statement about selling the rope to hang themselves. They have been silent and that has been disappointing. I would have hoped that Boeing would have spoken out and I would have hoped that TRW would have spoken out, but they went silent.

But the Congress did not go silent. We have a lot to be proud of. The message that I want the Chinese peasants to hear tomorrow morning when they listen to the little crystal set and they pick up the TV station or radio show, the United States Congress, the people's Congress, the Congress that the American people elect here, will send a message that we care deeply; that we commend, not condemn, the freedom movement; that we condemn slave labor; that we condemn the organ transplants; we condemn the forced population policy. We condemn all of them.

Mr. Speaker, we require this administration, which has been equally bad as the Bush administration on this, to make reports, so next year when this comes out we have the reports that are due.

Lastly, Mr. Speaker, Radio Free Asia whereby when we go to Eastern Europe they would say that the Radio Free Europe made a difference.

I want to thank those who were involved in this. Again, it is my fault for messing up, if we messed up. It was a mistake of the heart and not of the mind, if you will.

Now, I would hope and pray that there be no vote, but I understand that Members would do it.

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

The SPEAKER pro tempore. Pursuant to House Resolution 193, and sections 152 and 153 of the Trade Act of 1974, the previous question is ordered.

MOTION OFFERED BY MR. WOLF

Mr. WOLF. Mr. Speaker, pursuant to House Resolution 193, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Pursuant to House Resolution 193, Mr. WOLF moves to lay the joint resolution, House Joint Resolution 96, on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia [Mr. WOLF] to lay the joint resolution on the table.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 321, nays 107, not voting 6, as follows:

[Roll No. 537]

YEAS—321

Ackerman	Cramer	Greenwood
Allard	Crane	Gunderson
Archer	Crapo	Gutknecht
Armey	Cremeans	Hall (OH)
Baesler	Cubin	Hall (TX)
Baker (LA)	Cunningham	Hamilton
Baldacci	Danner	Hancock
Barcia	Davis	Hansen
Barrett (NE)	de la Garza	Harman
Barrett (WI)	Deal	Hastert
Bartlett	DeLauro	Hastings (FL)
Barton	DeLay	Hastings (WA)
Bass	Deutsch	Hayes
Bateman	Dickey	Hayworth
Becerra	Dicks	Herger
Beilenson	Dingell	Hilleary
Bentsen	Dixon	Hinchey
Bereuter	Doggett	Hoke
Berman	Dooley	Hostettler
Bevill	Doyle	Houghton
Bilbray	Dreier	Hyde
Bilirakis	Dunn	Istook
Bishop	Durbin	Jackson-Lee
Bliley	Edwards	Jacobs
Blute	Ehlers	Johnson (CT)
Boehlert	Emerson	Johnson (SD)
Boehner	English	Johnson, E. B.
Bonilla	Ensign	Johnson, Sam
Bonior	Eshoo	Johnston
Bono	Everett	Kanjorski
Borski	Ewing	Kasich
Boucher	Farr	Kelly
Brewster	Fattah	Kennedy (RI)
Browder	Fawell	Kennelly
Brown (CA)	Fazio	Kim
Brown (FL)	Fields (TX)	Kingston
Brownback	Filner	Kleczka
Bryant (TN)	Flake	Klink
Bryant (TX)	Flanagan	Klug
Bunn	Foglietta	Knollenberg
Buyer	Foley	Kolbe
Callahan	Fowler	LaFalce
Calvert	Fox	LaHood
Camp	Franks (CT)	Largent
Canady	Franks (NJ)	Latham
Castle	Frelinghuysen	LaTourette
Chabot	Frisa	Laughlin
Chambliss	Frost	Lazio
Christensen	Furse	Leach
Chrysler	Gallegly	Levin
Clayton	Ganske	Lewis (CA)
Clement	Gekas	Lightfoot
Clinger	Gephardt	Lincoln
Clyburn	Geren	Linder
Coleman	Gibbons	Livingston
Collins (GA)	Gilchrest	LoBiondo
Collins (IL)	Gillmor	Lofgren
Combest	Gilman	Longley
Condit	Gonzalez	Lowey
Conyers	Goodlatte	Lucas
Costello	Gordon	Luther
Coyne	Green	Maloney

Manton
Manzullo
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McIntosh
McKeon
McNulty
Meehan
Meek
Meyers
Mica
Miller (FL)
Mineta
Minge
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Ortiz
Oxley
Packard
Pastor
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pomeroy
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Roth
Roukema
Roybal-Allard
Rush
Sabo
Salmon
Sanford
Sawyer
Saxton
Schaefer
Schiff
Schumer
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Stenholm
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Towns
Tucker
Upton
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Ward
Watts (OK)
Waxman
Weldon (FL)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—107

Abercrombie
Andrews
Baker (CA)
Ballenger
Barr
Brown (OH)
Bunning
Burr
Burton
Cardin
Chapman
Chenoweth
Coble
Coburn
Cooley
Cox
DeFazio
Dellums
Diaz-Balart
Doolittle
Dornan
Duncan
Ehrlich
Engel
Evans
Fields (LA)
Forbes
Ford
Frank (MA)
Funderburk
Gejdenson
Goodling
Goss
Graham
Gutierrez
Hefley
Hefner
Heineman
Hilliard
Hobson
Hoekstra
Holden
Horn
Hoyer
Hunter
Hutchinson
Inglis
Jones
Kaptur
Kennedy (MA)
Kildee
King
Lantos
Lewis (GA)
Lewis (KY)
Lipinski
Markey
McDermott
McInnis
McKinney
Menendez
Metcalf
Mfume
Miller (CA)
Mink
Nadler
Oberstar
Olver
Orton
Owens
Pallone
Parker
Payne (NJ)
Pombo
Porter
Rohrabacher
Ros-Lehtinen
Rose
Royce
Sanders
Scarborough
Schroeder
Scott
Seastrand
Sensenbrenner
Slaughter
Smith (NJ)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stockman
Taylor (MS)
Taylor (NC)
Thompson
Torricelli
Traficant
Velazquez
Vento
Waldholtz
Wamp
Waters
Watt (NC)
Weldon (PA)
Wynn

NOT VOTING—6

Bachus
Clay
Collins (MI)
Jefferson
Moakley
Reynolds

☐ 1444

Messrs. DOOLITTLE, WAMP, WYNN, COBLE, LEWIS of Kentucky, Ms. WATERS, and Messrs. MEEHAN, SPENCE, PORTER, HEFNER, and GRAHAM changed their vote from ''yea'' to ''nay.''

Messrs. SMITH of Michigan, WISE, ACKERMAN, CUNNINGHAM, BECERRA, RANGEL, RAHALL, REED, DICKEY, Mrs. MEEK of Florida, Mr. ORTIZ, and Mr. MEEHAN changed their vote from ''nay'' to yea.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. VOLKMER. Mr. Speaker, on Wednesday, July 19, I missed two rollcall votes during consideration of H.R. 2020, the Treasury, Postal Service, general Government appropriations for fiscal year 1996, and one rollcall vote during consideration of H.R. 1976, the Agriculture appropriation for fiscal year 1996. On rollcall vote No. 527 I would have voted ''aye.'' On rollcall No. 528 I would have voted ''nay.'' On rollcall No. 535 I would have voted ''nay.''

☐ 1545

GENERAL LEAVE

Mr. SKEEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 1976, and that I may include tabular and extraneous material.

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

There was no objection.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore. Pursuant to House Resolution 188 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1976.

☐ 1445

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1976) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1996, and for other purposes with Mr. KLUG in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, July 9, 1995, the amendments en bloc printed in House Report 104–185 offered by the gentleman from New Mexico [Mr. SKEEN] had been disposed of.

The Clerk will designate title I.

The text of title I is as follows:

H.R. 1976

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1996, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed $75,000 for employment under 5 U.S.C. 3109, $10,227,000, of which $7,500,000 shall be available for InfoShare: *Provided,* That not to exceed $11,000 of this amount, along with any unobligated balances of representation funds in the Foreign Agricultural Service shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost benefit analysis, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), and including employment pursuant to the second sentence of the section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $3,748,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $25,000 is for employment under 5 U.S.C. 3109, $11,846,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $5,899,000.

CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109, $4,133,000: *Provided,* That the Chief Financial Officer shall reinstate and market cross-servicing activities of the National Finance Center: *Provided further,* That none of the funds appropriated or otherwise made available by this Act shall be used to obtain, modify, re-engineer, license, operate, implement, or expand commercial off-the-shelf financial management software systems or existing commercial off-the-shelf system financial management contracts, beyond general ledger systems and accounting support software, at the National Finance Center until thirty legislative days after the Secretary of Agriculture submits to the House and Senate Committees on Appropriations a complete and thorough cost-benefit analysis and a certification by the Secretary of Agriculture that this analysis provides a detailed and accurate cost-benefit analysis comparison between obtaining or expanding commercial off-the-shelf software systems and conducting identical or comparable software systems acquisitions, re-engineering, or modifications in-house.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded in this Act, $596,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture, for programs and activities of the Department which are included in this Act, $110,187,000, of which $20,216,000 shall be retained by the Department for the operation, maintenance, and repair of Agriculture buildings: *Provided,* That in the event an agency within the Department should require modification of space needs, the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation, but such transfers shall not exceed 5 percent of the funds made available for space rental and related costs to or from this account. In addition, for construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the programs of the Department, where not otherwise provided, $25,587,000, to remain available until expended; making a total appropriation of $135,774,000.

ADVISORY COMMITTEES (USDA)

For necessary expenses for activities of advisory committees of the Department of Agriculture which are included in this Act, $800,000: *Provided,* That no other funds appropriated to the Department in this Act shall be available to the Department for support of activities of advisory committees.

HAZARDOUS WASTE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607(g), section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961, $15,700,000, to remain available until expended: *Provided,* That appropriations and funds available herein to the Department for Hazardous Waste Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Personnel, Operations, Information Resources Management, Civil Rights Enforcement, Small and Disadvantaged Business Utilization, Administrative Law Judges and Judicial Officer, Disaster Management and Coordination, and Modernization of the Administrative Process, $27,986,000, to provide for necessary expenses for management support services to offices of the Department and for general administration and disaster management of the Department, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109: *Provided,* That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded in this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,797,000: *Provided,* That no other funds appropriated to the Department in this Act shall be available to the Department for support of activities of congressional relations.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry on services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, $8,198,000, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed $2,000,000 may be used for farmers' bulletins.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and the Inspector General Act of 1978, as amended, $63,639,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, as amended, including a sum not to exceed $50,000 for employment under 5 U.S.C. 3109; and including a sum not to exceed $95,000 for certain confidential operational expenses including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $27,860,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service and the Cooperative State Research, Education, and Extension Service, $520,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, $53,131,000: *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, and marketing surveys, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, $81,107,000: *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109.

AGRICULTURAL RESEARCH SERVICE

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, $705,610,000: *Provided,* That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $115,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further,* That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided the cost of constructing any one building shall not exceed $250,000, except for headhouses or greenhouses which shall each be limited to $1,000,000, and except for ten buildings to be constructed or improved at a cost not to exceed $500,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $250,000, whichever is greater: *Provided further,* That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further,* That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further,* That the foregoing limitations shall not apply to the purchase of land at Beckley, West Virginia: *Provided further,* That not to exceed $190,000 of this appropriation may be transferred to and merged with the appropriation for the Office of the Under Secretary for Research, Education and Economics for the scientific review of international issues involving agricultural chemicals and food additives: *Provided further,* That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law: *Provided further,* That all rights and title of the United States in the property known as USDA Houma Sugar Cane Research Laboratory, consisting of approximately 20 acres in the City of Houma and 150 acres of farmland in Chacahula, Louisiana, including facilities and equipment, shall be conveyed to the American Sugar Cane League: *Provided further,* That all rights and title of the United States in the Agricultural Research Station at Brawley, California, consisting of 80 acres of land, including facilities and equipment, shall be conveyed to Imperial County, California: *Provided further,* That all rights and title of the United States in the Pecan Genetics and Improvement Research Laboratory, consisting of 84.2 acres of land, including facilities and equipment, shall be conveyed to Texas A&M University: *Provided further,* That the property originally conveyed by the State of Tennessee to the U.S. Department of Agriculture, Agricultural Research Service, in Lewisburg, Tennessee be conveyed to the University of Tennessee.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $30,200,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing any research facility of the Agricultural Research Service, as authorized by law.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, including $166,165,000 to carry into effect the provisions of the Hatch Act (7 U.S.C. 361a–361i); $20,185,000 for grants for cooperative forestry research (16 U.S.C. 582a–582–a7); $27,313,000 for payments to the 1890 land-grant colleges, including Tuskegee University (7 U.S.C. 3222); $31,485,000 for special grants for agricultural research (7 U.S.C. 450i(c)); $11,599,000 for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)); $98,810,000 for competitive research grants (7 U.S.C. 450i(b)); $5,051,000 for the support of animal health and disease programs (7 U.S.C. 195); $1,150,000 for supplemental and alternative crops and products (7 U.S.C. 3319d); $475,000 for rangeland research grants (7 U.S.C. 3331–3336); $3,500,000 for higher education graduate fellowships grants (7 U.S.C. 3152(b)(6)), to remain available until expended (7 U.S.C. 2209b); $4,350,000 for higher education challenge grants (7 U.S.C. 3152(b)(1)); $1,000,000 for a higher education minority scholars program (7 U.S.C. 3152(b)(5)), to remain available until expended (7 U.S.C. 2209b); $4,000,000 for aquaculture grants (7 U.S.C. 3322); $8,000,000 for sustainable agriculture research and education (7 U.S.C. 5811); and $6,289,000 for necessary expenses of Research and Education Activities, of which not to exceed $100,000 shall be for employment under 5 U.S.C. 3109; in all, $389,372,000.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For establishment of a Native American institutions endowment fund, as authorized by Public Law 130–382 (7 U.S.C. 301 note.), $4,600,000.

EXTENSION ACTIVITIES

Payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa: For payments for cooperative extension work under the Smith-Lever Act, as amended, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents and State extension directors, $264,405,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $59,588,000; payments for the pest management program under section 3(d) of the Act, $10,947,000; payments for the farm safety program under section 3(d) of the Act, $2,898,000; payments for the pesticide impact assessment program under section 3(d) of the Act, $3,363,000; payments to upgrade 1890 land-grant college research, extension, and teaching facilities as authorized by section 1447 of Public Law 95–113, as amended (7 U.S.C. 3222b), $7,664,000, to remain available until expended; payments for the rural development centers under section 3(d) of the Act, $921,000; payments for a groundwater quality program under section 3(d) of the Act, $10,897,000; payments for the agricultural telecommunications program, as authorized by Public Law 101–624 (7 U.S.C. 5926), $1,184,000; payments for youth-at-risk programs under section 3(d) of the Act, $9,700,000; payments for a food safety program under section 3(d) of the Act, $2,400,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978, $3,241,000; payments for Indian reservation agents under section 3(d) of the Act, $1,697,000; payments for sustainable agriculture programs under section 3(d) of the Act, $3,463,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326, 328) and Tuskegee University, $24,708,000; and for Federal administration and coordination including administration of the Smith-Lever Act, as amended, and the Act of September 29, 1977 (7 U.S.C. 341–349), as amended, and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, $6,181,000; in all, $413,257,000: *Provided*, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, as amended, shall not be paid to any State, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands, Micronesia, Northern Marianas, and American Samoa prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

OFFICE OF THE ASSISTANT SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Assistant Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service, Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, $605,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947, as amended (21 U.S.C. 114b–c), necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; to discharge the authorities of the Secretary of Agriculture under the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426–426b); and to protect the environment, as authorized by law, $333,410,000, of which $4,799,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions: *Provided*, That in fiscal year 1996, amounts in the agricultural quarantine inspection user fee account shall be available for authorized purposes without further appropriation: *Provided further*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further*, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as he may deem necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious diseases or pests of animals, poultry, or plants, and for expenses in accordance with the Act of February 28, 1947, as amended, and section 102 of the Act of September 21, 1944, as amended, and any unexpended balances of funds transferred for such emergency purposes in the next preceding fiscal year shall be merged with such transferred amounts: *Provided further*, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 1996 the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $12,541,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry on services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States; including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $90,000 for employment under 5 U.S.C. 3109, $46,662,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $58,461,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided,* That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Appropriations Committees.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $10,451,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and the Agricultural Act of 1961.

In fiscal year 1996, no more than $23,900,000 in section 32 funds shall be used to promote sunflower and cottonseed oil exports as authorized by section 1541 of Public Law 101–624 (7 U.S.C. 1464 note), and such funds shall be used to facilitate additional sales of such oils in world markets.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1956 (7 U.S.C. 1623(b)), $1,000,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, as amended, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, as amended, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $25,000 for employment under 5 U.S.C. 3109, $23,058,000: *Provided,* That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

INSPECTION AND WEIGHING SERVICES

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $42,784,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: *Provided,* That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Appropriations Committees.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, $450,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry on services authorized by the Federal Meat Inspection Act, as amended, the Poultry Products Inspection Act, as amended, and the Egg Products Inspection Act, as amended, $540,365,000, and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1017 of Public Law 102–237: *Provided,* That this appropriation shall not be available for shell egg surveillance under section 5(d) of the Egg Products Inspection Act (21 U.S.C. 1034(d)): *Provided further,* That this appropriation shall be available for field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building: *Provided further,* That none of the funds appropriated or otherwise made available by this Act may be used by the Secretary of Agriculture to promulgate, implement, or administer any rules of the Food Safety and Inspection Service, as set forth in parts 301–391 of title 9, Code of Federal Regulations, pursuant to the agency's proposed rule: Pathogen Reduction; Hazard Analysis and Critical Control Point (HACCP) Systems: Docket No. 93–016P; published on February 3, 1995, and any successor dockets published thereafter, except that the Secretary may take such action after a committee has been established, in accordance with the negotiated rulemaking procedures provided in 5 U.S.C. 561 et seq., and that committee has transmitted, within nine months of establishment of such committee, a report based on a review of (1) HACCP principles; (2) current rules and other administrative requirements; and, (3) proposed rules and petitions pending before the agency.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Consolidated Farm Service Agency, Foreign Agricultural Service, and the Commodity Credit Corporation, $549,000.

CONSOLIDATED FARM SERVICE AGENCY

SALARIES AND EXPENSES

For necessary expenses for carrying out the administration and implementation of programs delegated to the Consolidated Farm Service Agency by the Secretary under the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994, $788,388,000: *Provided,* That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further,* That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: *Provided further,* That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $500,000 shall be available for employment under 5 U.S.C. 3109.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), $2,000,000.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers for milk or cows producing such milk and manufacturers of dairy products who have been directed to remove their milk or dairy products from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, and in making indemnity payments for milk, or cows producing such milk, at a fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of (1) the presence of products of nuclear radiation or fallout if such contamination is not due to the fault of the farmer, or (2) residues of chemicals or toxic substances not included under the first sentence of the Act of August 13, 1968, as amended (7 U.S.C. 450j), if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer, $100,000, to remain available until expended (7 U.S.C. 2209b): *Provided,* That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of his willful failure to follow procedures prescribed by the Federal Government: *Provided further,* That this amount shall be transferred to the Commodity Credit Corporation: *Provided further,* That the Secretary is authorized to utilize the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of making dairy indemnity disbursements.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $585,000,000, of which $550,000,000 shall be for guaranteed loans; operating loans, $2,300,000,000, of which $1,700,000,000 shall be for unsubsidized guaranteed loans and $200,000,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $750,000; for emergency insured loans, $100,000,000 to meet the needs resulting from natural disasters; and for credit sales of acquired property, $22,500,000.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $28,206,000, of which $20,019,000 shall be for guaranteed loans; operating loans, $91,000,000, of which $18,360,000 shall be for unsubsidized guaranteed loans and $17,960,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $206,000; for emergency insured loans, $32,080,000 to meet the needs resulting from natural disasters; and for credit sales of acquired property, $4,113,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $221,541,000, which shall be transferred to and merged with the following accounts in the following amounts: $208,446,000 to ''Salaries and Expenses''; $318,000 to ''Rural Utilities Service, Salaries and Expenses''; and $171,000 to ''Rural Housing and Community Development Service, Salaries and Expenses''.

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard

to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act, as amended, such sums as may be necessary, to remain available until expended (7 U.S.C. 2209b).

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 1996, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed (estimated to be $10,400,000,000 in the President's fiscal year 1996 Budget Request (H. Doc. 104–4)), but not to exceed $10,400,000,000, pursuant to section 2 of the Act of August 17, 1961, as amended (15 U.S.C. 713a–11).

OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE MANAGEMENT

For fiscal year 1996, the Commodity Credit Corporation shall not expend more than $5,000,000 for expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961: *Provided,* That expenses shall be for operations and maintenance costs only and that other hazardous waste management costs shall be paid for by the USDA Hazardous Waste Management appropriation in this Act.

The CHAIRMAN. Are there any amendments to title I?

AMENDMENT OFFERED BY MR. WALSH

Mr. WALSH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 24, on line 13 after the word ''building'' strike all down through and including ''agency'' on page 25, line 5.

Mr. WALSH. Mr. Chairman, in the movie ''Cool Hand Luke,'' one of my favorites, perhaps the most memorable line was that of the boss of a prison labor camp to a recalcitrant Luke: ''What we have here is a failure to communicate.''

Well, that is what we have had here with these new regulations for meat inspection. There was bad faith between and among the stakeholders—FSIS, the inspectors, consumer activists, the industry, the State departments of agriculture and the USDA.

We set about to solve this problem. My amendment would have established a negotiated rulemaking, a statutory process, formalized and detailed. It would have established this needed dialog—a process for communication.

I did this because some of the principals had no faith in the current dialog. I did it out of a concern that small businesses might be put out of business for no good reason. And I did it, in spite of what critics said, out of a concern that there would be a delay in implementing the new higher standards because of lengthy litigation.

I truly believed that given the alternatives we had, this was the best way to proceed.

Obviously others disagreed with this approach. Mr. DURBIN of our subcommittee and Secretary of Agriculture Glickman took issue. They said it was a delay, but they admitted there were problems with the process.

We worked together, sometimes at odds, but always in the direction of finding the common ground. On Tuesday the Secretary sent a letter that I reviewed with Mr. ROBERTS, chairman of the Committee on Agriculture; Mr. SKEEN, chairman of the Subcommittee on Agriculture Appropriations; and Mr. GUNDERSON, chairman of the Agriculture Subcommittee on Livestock, Dairy, and Poultry. All felt that the Secretary's personal commitment to involve himself was not only important but critical to providing good faith in a new, more inclusive process.

The Secretary pledged a number of things.

Mr. Chairman, I include the letter from Secretary Glickman for the RECORD.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, July 18, 1995.

Hon. JAMES WALSH,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR JIM: I appreciated the frank exchange of ideas during our recent meeting on the meat and poultry inspection regulatory process. That and other discussions I have had with Members of Congress convince me that we are all seeking the same goal of modernizing and improving the current meat and poultry inspection system to provide the safest possible food to the American consumer. I am personally committed to ensuring a thoughtful, thorough, and objective analysis by the Department of Agriculture (USDA) of all comments.

Unfortunately, I cannot agree that your amendment which requires the Department to establish a committee and await its report before moving forward is the best means of attaining our common objective. The unnecessary delay involved in suspending the current regulatory process is not consistent with the need to move to a Hazard Analysis and Critical Control Point (HACCP) based inspection system as quickly as possible.

I sincerely share the desire to ensure that the regulatory process carefully weighs all relevant viewpoints in an undertaking of this magnitude. I therefore intend to create, as part of the rulemaking process, focused and extensive public meetings for direct discussion of the key concerns that were raised during the comment period. These public meetings will begin within the next few weeks and will provide all interested parties the opportunity for direct discussion of the major issues as well as other issues identified during the comment period and possible options for resolving these issues. Participants will include representatives of all stakeholders, including industry, producers, the scientific community, consumers, the Food Safety and Inspection Service (FSIS) and my office. These public meetings will be held to ensure that all outstanding questions are explored thoroughly and a full and frank discussion and exchange of ideas occurs. These meetings will be part of the record upon which the final rule is based. Furthermore, I intend to host personally a food safety forum this summer to identify both legislative and regulatory mandates that need to be changed to improve and reform the system. The public meetings and forum will not unnecessarily delay the issuance of a final rule and should reassure all parties that the regulatory process has included a comprehensive debate of all significant issues and related concerns.

While the adoption of a HACCP-based inspection system is needed, it is also important to address the integration of the new HACCP system into the current meat and poultry inspection system. I fully understand the importance of preventing bureaucratic layering and ensuring the best utilization of public and private funds. To ensure this second step of regulatory modernization and integration is achieved, FSIS will soon publish a comprehensive set of rulemaking notices to review current FSIS regulations, directives, policy notices, and policy memoranda. To be consistent with the HACCP-based inspection system, USDA will then review, revise, or repeal its existing regulations, as needed. I have directed FSIS to accelerate its work in this area. I am firmly committed to seeing that all existing food safety and inspection regulations are improved so redundancy is eliminated. Our proposed regulatory actions to achieve those objectives, which will include addressing integration of the HACCP system and the current system, will be published in the Federal Register before the HACCP final rule is published and any additional regulatory actions necessary to achieve these objectives will be completed before HACCP is required to be implemented.

I am making these commitments recognizing that a successful food safety system depends upon an active partnership among government, producers, industry, processors and the consuming public. I hope that with these steps we can avoid a divisive legislative debate and proceed together toward our common goal of improving our inspection system.

Sincerely,

DAN GLICKMAN,
Secretary.

Mr. Chairman, most important is the Secretary's effort to put good faith back into this. He is a new Secretary and we need to give him this opportunity.

The agreement that Secretary Glickman, Mr. ROBERTS, Mr. SKEEN, Mr. DURBIN, and I worked out is Government at its best. It demonstrates that the executive and legislative branches can work together in good faith to do the people's business. That is the reason we were sent by our constituents to Congress, and I firmly believe that this entire legislative process has benefitted the public, the industry, and will result in a safer food supply for American families.

Mr. Chairman, for that reason, I have made my motion to strike the bill language.

Mr. DURBIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me say at the outset that this has been an important debate, I think one of the more important debates over the period of time that I have served on this subcommittee, because it has focused on an issue which is literally a life and death issue for American families.

I want to commend my colleague from New York. Over the past several weeks, we have had some real differences of opinion, but I want to salute the gentleman, because he has

made an effort in a bipartisan manner to find a reasonable solution to a very difficult problem. Let me try to describe it to you in my terms and to give you an idea of why it is so important.

It was my good fortune at an early point in my life to work in a slaughterhouse. I spend 12 months as a college student working my way through college in a slaughterhouse. I learned a lot. I still eat meat, but I learned a lot about the inspection process, its strengths and its weaknesses.

There are many weaknesses in the current meat and poultry inspection system. But let me say at the outset, the United States is blessed like no other country in the world with one of the safest food supplies. We should never lose sight of that. As consumers, we can be more confident of what we buy in a store and eat in a restaurant than we can in most any other country in the world.

But I came to understand as a young man working in that slaughterhouse that the system we have today does not reach the level of scientific sophistication which American consumers want. Literally, Federal meat and poultry inspectors stand and watch as carcasses go by on the line. If they do not see or smell something unusual, they end up giving it a blue stamp, and off it goes to the store and eventually to our refrigerators and tables.

We now know that it not enough. The tragedy in the State of Washington 2 years ago, which my colleague, the gentleman from Washington [Mr. DICKS], will describe in a moment, riveted our attention on the fact that some of the most vulnerable people in America are subject to dangerous illness and in many cases death from contaminated meat and poultry.

So we decided to do something about it, to move beyond the inspection system which we have used for over 85 years, to something more scientific and up-to-date. What an undertaking it is. Imagine all of the different groups interested in this issue, not just the obvious groups, the meat and poultry processors and producers, but also those who are interested in health issues and consumer issues, the business side of the equation, all of these people, some 200 different groups, coming together and trying now to reach an agreement, if they can, on a new system of meat and poultry inspection.

The gentleman from New York I think accurately represented the anxiety of some of these groups that they are not being taken seriously at the table, that they do not have a voice in the process, and that their concerns are not being weighed as they should be. The gentleman has prevailed on the Secretary of Agriculture to step in personally, as we will and as he has promised, and his word is good, that he will make sure as best he can it will be an orderly process with a good conclusion.

I might add, as Secretary Glickman has personally, we cannot guarantee that everyone will end up happy when it is all over. What we can do is get everyone their day in court, everyone an opportunity to express themselves.

Over the past 2 weeks I have received phone calls from Tarpov Packing Co. in Granite City, and Hansen Packing Co. in Jerseyville, IL, small operations, saying, ''DICK DURBIN, you are our friend, we know you want to help us, but do not do something that will put us out of business.'' I understand that. We do not want to put them out of business. We want to make changes that are sensible and reasonable, that protect American consumers.

As I said before, the reason why this is a more important debate than most is it is literally a life and death issue.

Nancy Donley of Chicago is a person I have come to know over the past several weeks. I talked to her just yesterday. This Tuesday was the second anniversary of the death of her 6-year-old son Alex. Alex ate a hamburger, it was contaminated with E. coli, and it killed him. She has written letters, which I will not read to you here but which have been part of the record in our committee, which I think would touch the heart of everyone.

So as we focus on this issue, it goes beyond numbers, it goes beyond bureaucracy, it goes beyond agency, it goes to the very human tragedies which can occur if we do not do our job right.

I salute the gentleman from New York, he is doing the right thing today. I think he has made real progress on this issue. I look forward to a satisfactory conclusion.

Mr. DICKS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to be very brief here. I want to commend the chairman of the Committee on Agriculture, Mr. ROBERTS, and I certainly want him to have an opportunity to speak, and I know he will, for his leadership in this effort. Also, I want to complement my colleague on the Committee on Appropriations, the gentleman from New York [Mr. WALSH]. Coming from the State of Washington, I see some of my colleagues from Washington State on the floor. We had a very serious E. coli breakout in our State 3 years ago. Three young children died, hundreds were sick, and so I was definitely very concerned in the appropriations committee when there was an effort to delay the implementation of the new regulations, which our ranking member, the gentleman from Illinois [Mr. DURBIN], so carefully described, someone who has had great experience in this area.

But I think this is a model of how we should work these problems out, and I commend the gentleman from New York for engaging Secretary Glickman and the chairman of the authorizing committee and the Democratic Members, and they were able to work out a reasonable compromise on this issue. We will not delay the new regulations from going into place.

What the gentleman from New York wanted, properly, and I wanted to commend the chairman, too, the gentleman from New Mexico [Mr. SKEEN], for facilitating this, was that all the parties should be heard. He talked about a negotiated rulemaking, which I happen to believe this was too complicated an issue for that, but we got the same achievement by giving all the parties the ability to participate.

□ 1500

The most important thing is we are protecting the American consumers. Seven thousand people a year die from salmonella or E. coli and hundreds more, hundreds of thousands more are sick and ill. So this is a serious consumer issue, and some of us on the Committee on Appropriations have been very concerned that there has been a pattern of, in essence, gutting health, safety and environmental legislation in the name of helping the private sector. That is not right. The American people do not want unsafe meat. They do not want unsafe drinking water.

So I commend the gentleman from New York for working this problem out and getting a satisfactory result that is in the interest of the country and in the interest of consumers and certainly in the interest of the people of Washington State, because we went through a terrible crisis just a year or so ago.

So I commend the gentleman and I support his motion to strike.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to associate myself with the words of my friends, the gentleman from Washington [Mr. DICKS] and the gentleman from Illinois [Mr. DURBIN], as well. Most of us had never heard of E. coli before a few years ago. A child in my district also was affected and died. If Members can imagine the parents, very loving parents telling them that they were relieved when their child died because of the extreme pain and agony that that child was going through, it kind of reemphasizes the issue to them.

I think, second, and the gentleman from Washington [Mr. DICKS] has talked about this, E. coli is still out there. What happens in our meat processing, if you still have fecal material left on the meat and that meat moves on, it can turn into the E. coli. And they say, well, all you have to do is cook your hamburger well. I personally do not want it on there in the first place. I think it is something that in our food processing that we can. I would like to, again, thank the leadership of the gentleman from Illinois [Mr. DURBIN], because I do not think without his leadership this whole issue would have come to resolution.

I would also like to thank the gentleman from New York [Mr. WALSH], because I think at times when we look at dialog, it is good, but when we take action where children's lives are at risk, I think it is very, very important.

We have a group in San Diego called Stop, and they have been very active. And I am sure that in Washington State they have got an equal group that are parents that have gone through this disaster with their children. I would like to commend all parties. I think this is something in bipartisanship that I think is a proud day. I thank God we had not a failure to communicate on this issue.

Mr. ROBERTS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to also take this opportunity to congratulate my friend and colleague, the gentleman from New York, [Mr. WALSH], and also especially my good friend and former colleague Secretary Glickman, for their hard work and statesmanship, I think, in resolving this very complex problem. This agreement in part grew out of a meeting between Secretary Glickman, the former chairman and current distinguished ranking minority member of the House Committee on Agriculture, the gentleman from Texas, [Mr. DE LA GARZA], the current chairman of the appropriate subcommittee that will be bringing a meat inspection, a food safety inspection bill to the floor, the gentleman from Wisconsin, [Mr. GUNDERSON], the gentleman from Missouri [Mr. VOLKMER], and probably the godfather of all meat inspection legislation in regards to sound science, the gentleman from Texas, [Mr. STENHOLM], and myself.

I would like to thank each of these individuals for really coming together in a bipartisan spirit to underscore the importance of restoring really some credibility to the rulemaking process.

By doing so, I think it is obvious we have averted what had been a very divisive debate on meat inspection policy. I think that really food safety goals are better served by careful, reasoned discussion than by real emotional rhetoric. It is understandable but I think this process certainly is preferable.

Secretary Glickman has assured Mr. WALSH that he will personally take control of the rulemaking process for the Mega Reg. Secretary Glickman has also pledged that he will ensure all stakeholders, as has been indicated, consumers, small and large processors, scientists, inspector unions and producers, all now will have an opportunity to really participate in developing a balanced and workable inspection regulation.

Our problem is not that we have too little inspection and also regulation. Our problem is that we have the wrong kind. We do not need some more additional regulatory burdens. We need a sound-science, risk-based system.

So, again, I want to really credit the Secretary and I also want to thank the gentleman from Wisconsin, [Mr. GUNDERSON] who will be bringing to the committee and to the floor a total comprehensive food safety plan. We are talking about meat. We are talking about poultry. And we are talking about seafood. So your House Committee on Agriculture will address this. It will be commensurate with the rulemaking process of the Secretary of Agriculture.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I want to make sure that I understand exactly what we are doing. The greatest problem I probably have in the 19th Congressional District is the harassment of our small country butchers. We have never had an illness in the 19th Congressional District because of tainted meat or poultry from any of our local country butchers. The are harassed morning, noon, and night, and I am afraid they will soon all be out of business and then we will only have to rely, unfortunately, on big meat producers and packers and so on.

I think I caught the gentleman saying that the small business person will get some protection in all of this.

Mr. ROBERTS. Mr. Chairman, the Secretary of Agriculture has indicated that they will give every consideration to the small business community, whether it be small meat locker plants or a small meat packing house.

I would like to point out that 98 percent of all food-borne illnesses come from handling and preparation. If everybody would simply do what their grandmother and their home economics instructor and their 4–H instructor and common sense and the Department of Agriculture recommends, wash their hands and thoroughly cook their meat, we would not have this problem.

And so I can assure the gentleman that Secretary Glickman has in effect assured me and the rest of the Members of the House Committee on Agriculture that the concerns of the small business community will be addressed. I thank the gentleman for raising this issue.

Mr. STENHOLM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I, too, want to commend all of the parties that have worked out a very satisfactory short-term compromise that gives this Member the hope for the first time in 8 years that we might actually be seeing a light at the end of the tunnel of dealing with our meat and poultry inspection system.

As one who has authored legislation and passed legislation in 1986, only to have the frustration of seeing it torn apart by the 200-plus groups that the gentleman from Illinois [Mr. DURBIN] spoke about a moment ago, each having their own idea about how best to improve upon the best food safety system the world has ever known, I see now the chance, thanks to the leadership of Secretary Glickman, the gentleman from New York [Mr. WALSH], and the efforts that he has made and all of the other parties, I see the opportunity now through the House Committee on Agriculture and other interested parties working with the gentleman from Wisconsin [Mr. GUNDERSON], the chairman, and the gentleman from Kansas [Mr. ROBERTS], I see the opportunity for us to finally come to an agreement by bringing all of the parties together, having the free and open debate in this House Chamber of how best to deal with meat and poultry inspection.

I look forward to that day, because I believe it is far overdue. Many of the tragedies that have occurred should not have occurred and would not have occurred, as Mr. ROBERTS has said, from some of the simplistic ideas but also from the standpoint that we could in fact make the necessary changes if we would all come to the table. That is not what was happening, as the proposed rulemaking was occurring. Mr. WALSH pointed that out and correctly so.

But now we have an agreement in which everyone will come together, work on a resolution. I hope it is a light at the end of the tunnel and not another train coming toward us. But I do believe today that it is truly a light at the end of the tunnel. I look forward to being a part of eventually resolving this very important issue.

Mr. THORNTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to associate myself with the remarks made by the gentleman from Texas and to add my congratulations to all those who have given us truly a remarkable event in this session of the Congress, an event in which we have reached across the aisle to adopt a bipartisan accord, one that is reasonable and proper and in the public interest. It has come about because of the leadership of our chairman, the gentleman from New Mexico [Mr. SKEEN], and his steady hand at providing an opportunity for each of us to participate; for the gentleman from New York [Mr. WALSH] and his diligence and persistence and working with our own ranking minority member, the gentleman from Illinois [Mr. DURBIN]. It has truly been an excellent example of the kind of cooperation in the public interest which we need to have more of in this House.

I want to commend all of those who are party to this and urge that we make a record of our support for this amendment.

Ms. DUNN of Washington. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to commend the gentleman from New York, Mr. WALSH, and also the gentleman from Kansas, Chairman ROBERTS, and the gentleman from Illinois, Mr. DURBIN, the gentleman from Wisconsin, Mr. GUNDERSON, the gentleman from New Mexico, Chairman SKEEN, and all the people who helped to forge this agreement with the Secretary of Agriculture, our former colleague, Dan Glickman, on

new meat safety inspection rules that will benefit all Americans.

This agreement is especially significant to those of us from Washington State, as my colleague the gentleman from Washington [Mr. DICKS] has said, because in January of 1993, my first year as a Member of Congress, three little children died and 67 were hospitalized in Washington State because of an E. coli outbreak that was traced to a local fast food outlet in my district.

Now, a little over 2 years later, with the combined efforts of the gentleman from New York [Mr. WALSH], the committees and the other gentlemen, and the Secretary of Agriculture, we can finally put into place a meat safety regime to ensure the production of clean, safe, quality meat that restores consumer confidence.

I want to add a special note of thanks to our colleague from Washington State, Mr. NETHERCUTT, who is also a member of the subcommittee, for his help on this critical issue.

Mr. Chairman, in memory of 2-year-old Michael Nole, 2-year-old Celina Shribbs, and 17-month-old Riley Detwiler, the little children who died from E. coli, my thanks for the diligent efforts of all the Members of Congress who are involved in bringing to fruition safer food for all Americans.

Mr. DE LA GARZA. Mr. Chairman, I move to strike the requisite number of words.

[Mr. DE LA GARZA asked and was given permission to revise and extend his remarks.)

Mr. DE LA GARZA. Mr. Chairman, I rise is support of the proposed agreement between all of the parties concerned and the gentleman from New York [Mr. WALSH], and endorse it.

Mr. Chairman, in light of recent compromises I rise to support the removal of requirements within the Agriculture Appropriation bill which limit funding for work on the February 3, 1995, Pathogen Reduction/HACCP proposed regulation. Agriculture Secretary Glickman has offered a reasonable resolution, as laid out in his July 18, 1995, letter to Mr. WALSH, the author of the limitation language, that allows for the rule development to proceed on schedule but grants additional input for stakeholders on a major regulatory change.

The controversy surrounding the development of a rule for our meat and poultry inspection system pertaining to microbiological pathogens and Hazard Analysis Critical Control Point methodology was over the process of how the rule is developed. Unfortunately, some in the media has started to turn this controversy into a discussion over whether children would or would not die because of this particular proposed regulation. It is always a human tragedy when anyone dies due to food-borne disease and especially children who have their entire lives ahead of them. But I feel it is important to understand that the Secretary's letter makes commitments assuring that there is a continued development of a good rule that improves our meat and poultry inspection system. A rule that all can support. A rule that will minimize potential lawsuits concerning the final regulation which could cause real delays in meat and poultry inspection reforms.

It is also important to note that modernization of the inspection system through a spirit of cooperation of all stakeholders is paramount to realize real improvements in the safety of the meat supply. The most important guidelight for all interested in changes to our food safety system must be the best science that can be afforded. The entire process should be driven by sound science not politics.

I cannot emphasize enough that this rule is but a step in a continuous series of steps where the goal is reducing food-borne illness. Note that I said reducing food-borne illness, not eliminating it. Elimination of food-borne illness is not a reality. It is scientifically and economically impossible to achieve zero food-borne risks at this time and it becomes a disservice to the public to imply that the Government can supply or regulate a food delivery system into one without risks, but one we can rely on and that the people can trust and give us the maximum protection possible.

I want to thank Secretary Glickman for his involvement in the matter and his interest in restoring confidence in the process. I commend Mr. WALSH of New York for his leadership in finding a path of compromise in which all sides win.

Mr. LAHOOD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to compliment the gentleman from New York, Congressman JIM WALSH, as being a man for all seasons. He not only leads the bailout of Washington, DC, now he leads the bailout for those of us in the ag community.

I also want to speak on behalf of the Terry Joneses of the world. Terry Jones and his wife own a meat locker in Jacksonville, IL. I had the occasion to visit Terry and his wife recently about this issue of Government regulation or Government overregulation. What they told me was that, if these regulations had been put into effect, they would be out of business, as I think would many small business people who are in the meat locker business, who care a great deal about their customers and in no way would want to see harm come to them.

I do not intend to take the 5 minutes, but I want to express on behalf of all the small meat locker business men and women, not only across Illinois but across the country, that a good compromise has been worked out, and their considerations will be considered. I compliment the gentleman from New York [Mr. WALSH], the gentleman from Illinois [Mr. DURBIN], and certainly the Secretary of Agriculture. Common sense is being used and will be used, and I think all consideration will be given now so that small business people's concerns will be taken into account.

Mr. GUNDERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I simply want to follow that of my colleagues to point out a couple of things. First and foremost, of course, is joining all my colleagues in our commendations of those who have worked out this agreement. You would think they were leaving Congress, with all the nice things we are saying about them, but we mean it. I think what has been done here is important. I want to point out three specific factors and then we will move the process along.

First and foremost, this process, this agreement that has been reached is important because it has slowed the process down, and it has guaranteed that people are going to have input. As the gentleman from Illinois before me just articulated, there are real problems with these proposed regulations, as they affect the small slaughterhouses across this country, and we have got to make sure that their concerns are heard and considered in the development of the rules.

□ 1515

Second, along that same line, the very significant part of this agreement is that the Secretary has become involved, and he has taken a personal sense of responsibility in ownership of what has been done. Those of us who have worked with and known Dan Glickman when he was a Member of this House know that when he makes this kind of commitment he is going to keep it, and I think that is very important for all of us to understand.

The third thing I want to point out, and part of the reason many of us have raised concerns about the so-called HACCP regulation, you cannot do HACCP under existing Federal statute, because they are diametrically opposed to each other in science, so if you want a science-based HACCP regulation, as I think every Member of Congress and every member of the industry and every member of the consumer groups do, then Members have to recognize there have to be some kind of statutory changes.

As the gentleman from Kansas [Mr. ROBERTS] says, we will in my subcommittee, at the conclusion of the farm bill, continue a process that was initiated this spring, and we will bring forth comprehensive meat, poultry, and seafood legislation, and we will give this committee, we will give this Congress, a chance to modernize our legislation in that regard.

Mrs. COLLINS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me add my thanks and sincere appreciation for all of the hard work for all of the members of the Committee on Appropriations and Committee on Agriculture to get these food, meat, and poultry regulations well on their way.

Members may recall that about 2 years ago we raised the issue in what was then called the Committee on Energy and Commerce, on the Subcommittee on Commerce, Consumer Protection, and Competitiveness. It is really very rewarding to see how, when the issue has been raised, even in the

last Congress, early in the last Congress, about something as important as meat and poultry safety, food safety, to be able to be here and stand on this floor and say that we have seen that dream come to real fruition.

Again, I want to sincerely thank all of those who worked so hard on this issue, because I, as well as other people, who were seriously concerned about what happened in the E. coli, the terrible things that happened to people, I am happy to say this has now happened. I cannot say enough about the hard work, the unity, and the cooperation between not only members of those committees, but between the administration of the Department of Agriculture as well. It shows government at its best, and I think we all did a good job, and everybody is to be congratulated.

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

Mrs. COLLINS of Illinois. I yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Chairman, I am going to ask for a rollcall vote on this to establish the bipartisan support which we have discussed today on the floor, not only for the HACCP process, but for a speedy and expeditious process that brings these rules to a point where they will be protecting American families. I just wanted to make that point. I will be asking for a rollcall vote on the motion offered by the gentleman from New York [Mr. WALSH]. I think it will demonstrate the bipartisan feeling we have on this issue.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. WALSH].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DURBIN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, July 19, further proceedings on the amendment offered by the gentleman from New York [Mr. WALSH] will be postponed.

AMENDMENT OFFERED BY MR. ALLARD

Mr. ALLARD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ALLARD: No. 30: Page 2, line 11, strike ''$10,227,000, of which $7,500,000'' and insert, ''$9,204,300, of which $6,750,000''.

Page 3, line 3, strike ''$3,748,000'' and insert ''$3,373,200''.

Page 3, line 15, strike ''$5,899,000'' and insert ''$5,309,100''.

Page 3, line 21, strike ''$4,133,000'' and insert ''$3,719,700''.

Page 4, line 19, strike ''$596,000'' and insert ''$536,400''.

Page 5, line 23, strike ''$800,000'' and insert ''$720,000''.

Page 7, line 19, strike ''$3,797,000'' and insert ''$3,607,150''.

Page 8, line 3, strike ''$8,198,000'' and insert ''$7,378,200''.

Page 9, line 3, strike ''$27,860,000'' and insert ''$26,467,000''.

Page 9, line 12, strike ''$520,000'' and insert ''$468,000''.

Page 9, line 17, strike ''$53,131,000'' and insert ''$50,474,450''.

Page 10, line 3, strike ''$81,107,000'' and insert ''$77,051,650''.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that all debate on the amendment and all amendments thereto close in 20 minutes, 10 minutes on each side, the time to be divided equally.

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

There was no objection.

The CHAIRMAN. The gentleman from Colorado [Mr. ALLARD] will be recognized for 10 minutes, and the gentleman from New Mexico [Mr. SKEEN] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Colorado [Mr. ALLARD].

Mr. ALLARD. Mr. Chairman, I yield myself such time as I may consume. First, Mr. Chairman, I would like to compliment my colleague, the gentleman from New Mexico, for putting together a good bill which makes a firm contribution by achieving a balanced budget by 2002. I appreciate all the hard work he has put into allocating our very scarce resources among the many worthwhile projects covered by this measure.

The Committee on Appropriations has made some important cuts in this bill; however, we see no reason for the House to ignore an opportunity to make additional reductions in the bureaucracy, especially here in Washington. I realize that it has been tough for the Members of this House, and particularly the Committee on Agriculture, to struggle with what priorities we should have in the agricultural area. However, Mr. Chairman, we simply need to keep in mind that we cannot go ahead and cut those programs that benefit farmers and not let the bureaucracy here in Washington share in those cuts.

Last November, the people spoke clearly about their desire to downsize Federal Government. Taxpayers were tired of sending the hard-earned money to Washington, DC, to pay for larger Federal bureaucracies. Farmers often ask why farm programs continue to get cut while the Department of Agriculture bureaucracy goes untouched. It is time to listen to the voters and start shrinking this huge 110,000 person bureaucracy. It is in this spirit of downsizing that the gentleman from Kansas [Mr. BROWNBACK] and I offer this amendment.

In recent years the funding for the bureaucracy of the USDA has been held constant. Without our amendment, this bill would continue this trend, despite the reduced role for agriculture programs assumed in the budget resolution. Appropriations for administration for 1996 would be $313 million. This is slightly above the 1995 level. This number rises to $320 million if the new info share program is included. In times of baseline budgeting, we would have considered this to be a cut, but we have changed the way that Congress does business. Now a cut is only a cut if spending is actually reduced below the prior year's level.

Mr. Chairman, our amendment is supported by the National Taxpayers Union and Citizens for a Sound Economy. It cuts 10 percent from the offices of the Secretary, the chief economist, the office of communication, the chief financial officer, the advisory committees, the Assistant Secretary of Administration, and the Undersecretary for Research, Education, and Economics. We have provided for a 5 percent cut for the Economic Research Service, the National Agriculture Statistics Service, the Assistant Secretary for Congressional Relations, and the general counsel. Some offices, such as the Inspector General, have been exempted entirely from this amendment, because they have offered what we consider to be a sufficient justification to retain the funding allocated to them by the Committee on Appropriations.

Mr. Chairman, this amendment is consistent with the budget resolution. The House-passed budget resolution assumed that $44 million in savings could be achieved by reduction in the funding for the administrative offices and programs covered by our amendment. We have scaled that back to $12 million in cuts. This is very reasonable in light of the over $320 million available for the Department's administrative expenses.

Mr. Chairman, let me now address the Department's reorganization. The National Performance Review states that after reorganization, personnel at the USDA headquarters should be reduced 8 percent, resulting in an annual savings of about $73 million. To date, savings in the higher administrative levels have not appeared to be anywhere near this magnitude. Similarly, the Agriculture Reorganization Act mandated personal reductions of $7,500. However, this is to be accomplished by the year 1999. This is too far away. This amendment would provide the added nudge that is necessary to start the process of downsizing the bureaucracy now.

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

PARLIAMENTARY INQUIRY

Mr. DURBIN. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. DURBIN. Mr. Chairman, I understand the debate was limited to 20 minutes, 10 on a side. Could the Chair tell me how the 20 minutes is divided between the majority and minority party?

The CHAIRMAN. To the best of the Chair's understanding, the gentleman from Colorado [Mr. ALLARD] as the proponent of the amendment, controls 10

minutes, and the gentleman from Colorado [Mr. SKEEN] in opposition, controls 10 minutes.

Mr. SKEEN. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. DURBIN] and I ask unanimous consent that he be allowed to control that time.

The CHAIRMAN. It is the understanding of the Chair that the gentleman from New Mexico is opposed to the amendment.

Mr. SKEEN. I am opposed to the amendment, Mr. Chairman.

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

There was no objection.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from New Mexico [Mr. SKEEN] will control 5 minutes, and the gentleman from Illinois [Mr. DURBIN] will control 5 minutes.

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

Mr. Chairman, I rise in opposition to this amendment. I wonder if the gentleman from Colorado and those who are proponents to this amendment have any idea of what we have already done in the U.S. Department of Agriculture, and what we are doing in this bill.

The gentleman comes before us this afternoon with a suggestion of cutting $12 million out of 13 different agencies, $12 million is a lot of money. The gentleman from New Mexico [Mr. SKEEN], as chairman of the subcommittee this year, will cut $1.2 billion from discretionary spending in the Department of Agriculture. It is not as if we have not bitten the bullet. We have chewed right through it. Last year we cut $1.3 billion. This year we cut $1.2 billion. These are serious cuts. As a result of these cuts, the U.S. Department of Agriculture has had to make dramatic changes.

Let me give Members an idea of some of the things USDA has done: Totally reorganized the agency, reducing from 43 to 29 the number of agencies under USDA; field offices being restructured; 1,170 county-based offices will be closed or consolidated. As of June, offices have already been closed in 224 counties across the United States. Our goal in employee reduction is 13,000 employees over the next 6 years. It represents one-fourth of the headquarters staff, 20 percent of administrative staff years, and the savings from these reductions already in place will be over $4 billion.

What the gentleman does with his amendment is to say: ''Well, my dog is bigger than your dog. I can cut more than you can. I am a real fiscal conservative. We will find some more to cut.'' We can all play that game, but when it is all over, while this department is downsizing, can it still perform its functions?

I will say to the gentleman from Colorado, his phone will be ringing, as mine will be ringing, when farmers and others who want services from this department find their phone calls go unanswered. His phone will be ringing, as mine will, as people are calling and say, ''What happened? I am mired in bureaucracy and red tape. I cannot get an answer.'' We can all keep trumping one card higher than the other, but the fact is the gentleman from New Mexico [Mr. SKEEN] made a substantial cut in this agency. We did the same thing last year. They are on board. In fact, they are out in front of the whole Federal Government in terms of reorganization and reinventing government. Now the gentleman just wants to do a little more. I am afraid if the gentleman does this, frankly, we will not only have to RIF people early, which may be unfair, but will in fact affect the very basic functions of this department.

Mr. ALLARD. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from Colorado.

Mr. ALLARD. Mr. Chairman, I thank the gentleman for yielding.

I would just remind the gentleman that we are only talking about less than a 4-percent reduction. My phone in already ringing from farmers who say, ''Look, what is happening to us and our programs?'' Yet the bureaucracy in Washington seems to slide along with about the same spending levels. What I am talking about as the chief economist, we are talking about offices here in Washington, not the field offices out there that serve farmers.

Mr. DURBIN. Reclaiming my time, Mr. Speaker, I would ask the gentleman this. In the U.S. Department of Agriculture, what is the largest single agency employer? Does the gentleman know?

Mr. ALLARD. I do not know that.

Mr. DURBIN. I will tell the gentleman, it is the Forest Service.

Mr. ALLARD. I would have guessed it is the Food Stamp Program.

Mr. DURBIN. The Food Stamp Program is administered by the States, as I am sure the gentleman knows. It is the Forest Service. The USDA has about 120,000 employees, and out of that the Forest Service has approximately 33,000 employees. It has continued to grow, and incidentally, is not under our jurisdiction in this bill, while other agencies of USDA have been held stagnant and reduced.

Therefore, if the gentleman is getting calls from people saying ''What about that bureaucracy in USDA,'' tell them it is the Forest Service. That is the area where it has grown. In the other areas it is not growing. There are an awful lot of jokes that are tossed around about how many people work at USDA, but I will tell the Members this: They do a lot of hard work and important work. I am afraid the gentleman's amendment is an effort to trump us and go a little bit better, cut a little bit deeper, and in fact, when the services are not there, people are going to say, ''Why in the heck are we paying our taxes if nobody is there to answer the phone?''

Mr. ALLARD. Mr. Chairman, if the gentleman will continue to yield, I have looked seriously at what I have proposed here and spent some time with the Committee on Appropriations staff. We initially looked at a $28 million cut. We are looking at some of the functions that we are carrying on here in Washington that were, we felt, of high enough priority that we should not include them in the amendment, things like the National Appeals Division and some programs in Department administration, the inspector general, the buildings and facilities, and hazardous waste management. There are other programs that need to be reduced.

Mr. DURBIN. Reclaiming my time, Mr. Chairman, unfortunately, the gentleman does not sit through the weeks of hearings that we sit through and listen to these agencies. Just to mention the inspector general's office, do you know what they spend half of their time investigating? Food stamp fraud.

□ 1530

Mr. ALLARD. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. The inspector general's office spends half of its time investigating food stamp fraud.

Mr. ALLARD. Would the gentleman yield for a correction?

Mr. DURBIN. Regular order, Mr. Chairman. I will be glad to yield to the gentleman at some point, but please allow me to use my time.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. DURBIN] has expired.

Mr. ALLARD. Mr. Chairman, I yield myself 30 seconds for a correction.

Mr. Chairman, the amendment that I had proposed does not cut the inspector general.

Mr. Chairman, I yield 3 minutes to the gentleman from Kansas [Mr. BROWNBACK].

Mr. BROWNBACK. Mr. Chairman, I think some valid points have been raised here. Let me be succinct and brief on this.

There are real cuts that are taking place in the agriculture programs. There are real cuts that have been taking place since 1986. I think I have lived through a fair number of those. I was Kansas Secretary of Agriculture for the past 6 years. I think I have a little bit of an idea what that is about. They are proposed in the budget resolution that has been passed by both Houses to a further cut next year of $1 billion of what the farmers receive out of the program, $1 billion.

The bureaucracy that we are talking about, and I recognize the valid comments of the gentleman from Illinois, the bureaucracy we are talking about is flat line spent for the next several years. It is a flat level spending while the farmers get less money in their pockets.

I simply think we are going to have trouble going out to farmers and saying, yes, we have to balance the budget, make these cuts, and you are going

to have less money. They say, ''What about the USDA in Washington, the bureaucracy?'' We say, ''We have to have the same amount of money, people and everything in the centralized office.''

I think this is a good, prudent amendment. It is a 4-percent overall cut in the upper levels, the bureaucracy here, not out in the field staff, not out in the field offices.

A second point I would quickly make is, the first year I came in as Kansas Secretary of Agriculture, I was presented a 7-percent across-the-board agency cut. Recognize, I am talking millions at the State level and this is billions here, so I know the magnitude of the difference. But what it forced me to do is make real changes in my operation, the things we knew we needed to have take place but we did not have the political impetus and force to do it. It think it will help as well.

What we are talking about, ladies and gentlemen, is being able to go out and face farmers that are going to be facing real continued reductions, and we have had reductions already since 1986, real continued reductions so that, yes, we start if first in Washington, we make real cuts there, and this is going to be difficult, but this whole process is.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Chairman, I rise in strong opposition to the gentleman's amendment. I share the gentleman's concerns about cutting farm programs and not cutting the bureaucracy. I do not think the gentleman fully understands that this committee has made significant reductions in what he calls the bureaucracy in this bill.

This bill does make real cuts in real programs, downsizes the Federal Government and ensures the most efficient use of taxpayers' dollars. Let me just cite several examples. All the programs that the gentleman's amendment proposes to reduce, with three exceptions, have already been reduced in this bill by $2.5 million.

The Office of the Chief Economist: This office established pursuant to USDA reorganization by transfers was reduced by $66,000 below the 1995 level.

Office of Budget and Program Analysis was reduced by $104,000.

Congressional Relations: The committee recommendation consolidated all the congressional affairs and activities into one account and cut it by 25 percent.

Economic Research: The committee recommendation is $805,000 below the 1995 level, or $1.5 million below the budget request.

The National Agricultural Statistics Service is $317,000 below the 1995 level.

Mr. Chairman, we take our role very seriously in budget cutting. I think the committee has produced a bill that is responsible. I urge the Members of the House to support the committee's recommendation and defeat the gentleman's amendment. We have tried our level best to do the best we could with what we had. I think that this amendment goes too far and undoes some of the fine work that we have done.

Mr. ALLARD. Mr. Chairman, I yield 2 minutes to my friend and colleague, the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman, I thank the gentleman from Colorado [Mr. ALLARD] for yielding me the time.

Mr. Chairman, I have an amendment at the desk that calls for a $12 million reduction out of the Washington bureaucracy but puts some of that money namely, $5.5 million, back to State and county offices.

The substitute version that came out of the Committee on Rules cuts an additional $17.5 million out of State and county operations. I think that is more. If you want to talk about phone calls, where you get the phone calls is when they go into the county offices and they cannot get service.

I worked in USDA in Washington for 4 years as deputy administrator of programs; a tremendous number of hard-working, good civil servants in that department. However, today we have 10,700 employees here in Washington, DC. They should be out in the country.

I support the gentleman's amendment. I think it is reasonable. Out of that 10,000, out of every 100 employees we can reduce by 4 employees what is here in Washington, DC.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I just would like to reiterate the cuts that are already being made as a result of the reorganization of last year is one-fourth of the headquarters staff in Washington in USDA. We talk about the Chief Financial Officer alone, and you look at the cuts: a 17-percent cut from last year's spending.

We will have an amendment a little later by the gentleman from California [Mr. CONDIT] that will propose to add $200,000 to the account so that the Risk Assessment Office, which is awfully important to many of us in agriculture, can be adequately funded. The gentleman from Colorado would cut it $375,000 more. The gentleman from California [Mr. CONDIT] already says, and correctly so, he needs $200,000 to do the job.

We are going to write a farm bill a little bit later on. There is going to be a request for a lot of information. The Chief Financial Officer will be required. We are not going to have the money to do it because we have already made the cuts.

I wish the gentleman from Colorado [Mr. ALLARD] would have supported us last year in the Committee on Agriculture when we talked about this, when we had the reorganization bill up before the Committee on Agriculture. All of the things that we were talking about doing then, which are now cutting 1,170 county-based offices, are being cut as a result of actions that are already being taken. Please do not make an additional cut on top of that.

Mr. ALLARD. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we have heard a lot about cuts that are going to go back out in the field, and they are not. I remind the Members that these are cuts for bureaucracy here in Washington. Let me point out a few of the agencies that have not been cut: General Counsel; Building and Facilities; department administration; Inspector General; Office of Budget and Program Analysis.

Let me again remind the Members of what the total budget figures look like for the bureaucracy here in Washington, DC, $314 million in 1994. In 1995, it is $311 million. And in 1996, we are looking at $313 million.

The funds available to the Department of Agriculture for administration total $313 million; $320 million if the new Info Share Program is included. This amendment is less than 4 percent of all that.

One might get the impression, listening to this debate, that our amendment proposes to eliminate offices or accounts. The fact is that we are proposing only 10 or 5 percent cuts, and a number of administrative accounts are not cut at all.

I have no doubt the department officials perform important work and that we are asking that we get by with less, but we are asking this of all aspects of the Federal Government. No one ever suggested balancing the budget would be easy. When we are cutting back on farm programs, slowing the growth of Medicare, eliminating some agencies entirely, we need to reduce bureaucracy as well. Every amendment counts.

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

Mr. SKEEN. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from New Mexico [Mr. SKEEN] is recognized for 2 minutes.

Mr. SKEEN. Mr. Chairman, I rise in opposition to this amendment with a great deal of reluctance. The gentleman from Colorado [Mr. ALLARD] is a good Member of this Congress.

I am sorry that we just did not understand his interest, along with the interest of the gentleman from Kansas [Mr. BROWNBACK], and some of the others, in making these cuts. We would have taken them under our wing in the committee and worked through this together, because right now from his own figures, we are still below the 1994 figure for the Department of Agriculture.

Mr. Chairman, we have made those cuts. We have made the reductions where we can, and there must be some reason or some rationale to what we do. We should not be out here just cutting without knowing what the consequences are. We should not just be making mindless cuts.

Certainly part of our job here as legislators is to make sure that agencies

of the Federal Government operate as intended in the laws that we have enacted. Many of these cuts have severe impacts on agencies, and starting right here from headquarters all the way up and down the line.

We have made those cuts. We must understand that they have to function, the agency has to have some function left. We cannot add cuts upon cuts and still expect them to function. These cuts will not allow some of these agencies to operate if we adopt this amendment.

I would suggest that these cuts fall in the area of not very good government. We should not be here doing these cuts when we do not understand the consequences.

I urge Members to vote against this amendment. These agencies have already paid their fair share in deficit reduction. Let us not do things when we have no idea of what we are doing.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. ALLARD].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. SKEEN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, July 19, further proceedings on the amendment offered by the gentleman from Colorado [Mr. ALLARD] will be postponed.

AMENDMENT OFFERED BY MR. CAMP

Mr. CAMP. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CAMP: Page 13, line 24, strike ''$31,485,000'' and insert $31,930,000''.

Page 14, line 2, strike $98,810,000'' and insert $98,365,000''.

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

Mr. CAMP. Mr. Chairman, I urge support for this amendment to transfer $445,000 from competitive research grants to restore funding for special grant research for sustainable agriculture. Continuing research for sustainable agriculture is crucial to maintaining an acceptable balance between the need to protect American agriculture, the family farm, and our precious environment.

Mr. Chairman, I urge my fellow Members to support this amendment. One of the reasons that American farm families are able to provide the best food in the world at the lowest prices is because our universities have been able to conduct revolutionary research. By continuing this research, we enable the agriculture industry to find newer and safer ways to expand their crops while protecting our precious environment.

Michigan State University is on the cutting edge of such research. Their studies on the management of municipal and animal organic waste, and the use of grazing systems to improve livestock production are providing valuable data which will assist the farm families of today—and tomorrow.

Their studies, which also include the inclusion of cover crops in field crop rotations and water table management studies, are continuing to improve soil composition on American farms. This improves the health and productivity of crops and livestock which benefits us all.

In addition to assisting the American farm family with productivity, their research also studies the effect of various pesticides on our environment.

This amendment will restore the funding for Michigan State University's special research grant for sustainable agriculture. We offset the cost of this program, which is $445,000, by transferring these funds from the competitive research grants.

Michigan State is strategically located in the sensitive environmental area of Michigan which includes 2,300 miles of shoreline, 20,000 slow moving creeks, rivers and streams, and hundreds of inland lakes. Water table management is critical in this area. The lessons learned in this sensitive area can be applied elsewhere in similar situations.

In these days of global competitiveness, it is vital that American farm families are given the opportunity to grow and prosper. With this research, they can continue to provide the kind of quality products we've come to appreciate. In order to ensure that research on newer and safer ways to provide those products continues, we must support programs like this one.

Sustainable agriculture strikes a fair balance between increasing profits for the American farm families and preserving and protecting our precious environment.

This is a minimal price to pay for all that we can benefit from effective and efficient research.

Mr. Chairman, I yield to the gentleman from Michigan [Mr. BARCIA].

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

Mr. BARCIA. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Michigan [Mr. CAMP]. I believe, also, that it is vital that we restore funds for sustainable agricultural research as part of this appropriation.

This amendment restores $445,000, the same amount as was available in fiscal 1995, to continue work which seeks to develop production methods that are profitable for farmers and have less impact on the environment.

All of our major advances in agriculture have come as a result of research. If we are to improve production practices with an eye toward a better management of the environment, then careful and sustained research will be necessary to develop better production methods.

As the fiscal 1996 hearings for the Department of Agriculture pointed out, this research effort targets compost integration, rotational grazing, cover crops, and water table-nutrient contamination management. This last element is the continuation of subirrigation research work that is vital in my part of Michigan if we are to adequately protect and efficiently use our groundwater resources.

The hearings most explicitly demonstrated that farm areas in Michigan are drained by more than 20,000 miles of slow-moving creeks and streams, and the leeching of nutrients into groundwater is a major environmental concern. This work is conducted at several locations throughout Michigan, including within my congressional district, and need to be continued.

Mr. CAMP. Mr. Chairman, I yield to the gentleman from Michigan [Mr. CHRYSLER].

Mr. CHRYSLER. Mr. Chairman, I rise in support of the amendment offered by my colleague. Research in sustainable agriculture is necessary to continue to develop agricultural program methods that are profitable for farmers and have less impact on the environment. Not only will the farmers themselves benefit from this valuable research but also the economies of the surrounding communities. I urge my colleagues to join me in voting for the Camp amendment.

Mr. SKEEN. Mr. Chairman, if the gentleman will yield, we accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. CAMP].

The amendment was agreed to.

□ 1545

AMENDMENT OFFERED BY MR. CONDIT

Mr. CONDIT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONDIT: Page 25, line 20, insert before the colon the following: ''(reduced by $300,000)''.

Page 3, line 3, insert before the period the following: ''(increased by $300,000)''.

Mr. CONDIT. Mr. Chairman, I rise today to offer an amendment that would fulfill a commitment that the 103d Congress began on risk assessment and cost-benefit analyses. My amendment would transfer $300,000 from the salary and expenses of the consolidated Farm Service Agency to the Office of Chief Economist in the Department of Agriculture.

I understand the gentleman from New Mexico [Mr. SKEEN] has a substitute amendment that he plans to offer to my amendment, and I want to thank the chairman and his staff for working with us over the last several days to ensure funding for this important office and what it intends to do.

This money will be used to carry out the statutory requirement of the establishing of the Office of Risk Assessment and Cost Benefit Analysis. As some of you may be aware, the USDA office of risk assessment was a mandate under the USDA department reorganization legislation signed by the President last fall.

Risk assessment and cost-benefit analysis has served as the cornerstone for regulatory reform during the first 7 months of the 104th Congress. While steps taken by the Department to put this office on the right track, the current funding in the agriculture appropriations bill would not allow the office to meet its mandated obligation, as prescribed under the USDA reorganization legislation of the 103d Congress.

I urge Members to support my amendment, and the Skeen substitute, and I reserve the balance of my time.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. CONDIT. I yield to the gentleman from Kansas [Mr. ROBERTS] who has been a strong supporter of the risk assessment effort.

Mr. ROBERTS. Mr. Chairman, I would just like to emphasize the gentleman has been a real leader in the unfunded mandates effort several Congresses ago when it was not popular, and now when it is, and his efforts to put an office of risk assessment within the Department of Agriculture was a real initiative, a real reform effort in the Committee on Agriculture during the last session.

Unfortunately, because of the budget pressures, it was not funded. We need this money. It is a good effort and I commend the gentleman and I support the amendment wholeheartedly.

AMENDMENT OFFERED BY MR. SKEEN AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. CONDIT

Mr. SKEEN. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. SKEEN as a substitute for the amendment offered by Mr. CONDIT: On page 3, line 3 strike $3,748,000 and insert $3,948,000; On page 14, line 2 strike $98,365,000 and insert $98,165,000; and

On page 14, line 20 strike $389,372,000 and insert $389,172,000.

Mr. SKEEN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. SKEEN. Mr. Chairman, I will explain the amendment. This has to do with the Office of Risk Assessment, and my amendment transfers $200,000 from the Competitive Research Grants Program under the Cooperative State Research, Education, and Extension Service to the Chief Economist.

This money is needed to supplement existing funding and will be used to both enter into contracts with experts in the field of risk assessment to provide USDA with guidance in how its Office of Risk Assessment and Cost Benefit Analysis should operate, and hire an economist to work in this office. That is the intent and the explanation of this amendment and I ask for its adoption and support its passage.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico [Mr. SKEEN] as a substitute for the amendment offered by the gentleman from California [Mr. CONDIT].

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. CONDIT], as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. CASTLE

Mr. CASTLE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designated the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CASTLE: Page 25, line 20, strike ''$805,888,000'' and insert ''802,888,000''.

Page 31, line 19, strike $629,986,000'' and insert $612,986,000''.

Page 40, line 10, before ''for loans'' insert ''(plus $200,000,000)''.

Page 40, line 20, before '', of which'' insert ''(plus $40,000,000)''.

Page 57, line 20, strike ''$821,100,000'' and insert ''$801,100,000''.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes and that the time be equally divided.

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

Mr. SANDERS. Mr. Chairman, reserving the right to object, how many more amendments do we plan to offer?

Mr. DURBIN. Mr. Chairman, if the gentleman will yield, it is my understanding the gentleman from New Mexico [Mr. SKEEN], the chairman of the committee, has suggested the time limit on the Castle amendment and all amendments thereto.

Mr. SKEEN. Mr. Chairman, if the gentleman will yield, I did not mean to say the whole gamut. I would like to say 20 minutes on the entire gamut of amendments.

Mr. Chairman, I will give the gentleman from Illinois 5 minutes.

Mr. DURBIN. I thank the gentleman.

Mr. SANDERS. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

The CHAIRMAN. The debate time will be limited to 20 minutes; 10 minutes to be controlled by the gentleman from Delaware [Mr. CASTLE] and 10 minutes in opposition, 5 minutes by the gentleman from New Mexico [Mr. SKEEN] and 5 minutes by the gentleman from Illinois [Mr. DURBIN].

Mr. CASTLE. Mr. Chairman, I am offering an amendment that is based on two principles. One is that encouraging homeownership is good for our economy and society and, two, in the effort to balance the budget, spending cuts must be allocated fairly.

My amendment would restore $200 million of the $400 million cut in the section 502 direct loan homeownership program made by yesterday's manager's amendment. The program was cut 45 percent last year and now the bill before us would reduce the 502 rural housing program by another 42 percent.

Mr. Chairman, I have the utmost respect for the gentleman from New Mexico [Mr. SKEEN] and I know he is a supporter of rural housing. The Appropriations Committee originally recommended a level of $900 million for the 502 program. However, after the committee found that it could not include savings from certain mandatory spending programs, the chairman felt he had to make an additional $400 million cut in the 502 direct program.

I understand the difficult choices the gentleman from New Mexico has had to make. This budget is extremely tight and it has to be. I am not seeking to restore the 502 program to its fiscal year 1995 level or even to the level originally recommended by the committee. My amendment will still leave the program with $233 million less than its current year funding, a cut of 25 percent from last year.

Mr. Chairman, what do these numbers mean to real people in our rural communities? They mean a lot. The 502 direct loan program is the only affordable homeownership program that serves low- and very low-income families in rural areas.

The typical direct loan borrower is working and is making $15,165 per year. These are hard-working people trying to achieve the American dream of owning their own home. The 502 direct program is the most effective program to help them make that dream a reality.

This program works. It helps people who would otherwise be unable to afford a home make the step to home ownership. While these families have very low income, they pay their mortgages. The 30-day delinquent rate is only 6.8 percent and the 90-day rate is 1.6 percent. There is currently a 2- to 3-year waiting list for these loans.

We are not meeting the need with the current level of funding, much less with the cut proposed in this bill. A loan level of $900 million would assist about 14,000 new homeowners. Cutting it to $500 million would provide only 7,800 loans.

Mr. Chairman, my proposed amendment would allow us to help almost 11,000 families in rural areas across the Nation. Remember, the actual appropriations for this program are much lower than the loan levels they provide. In fiscal year 1995, an appropriation of $228 million provided $933 million in loans.

Under this bill, we would appropriate only $102.6 million to provide $500 million in loans. My amendment would add a modest $40 million to an appropriation of $142.6 million and $700 million in loans.

In southern Delaware, like many rural areas, affordable housing is scarce and often substandard. The economy in these communities is often more sluggish than more populated areas. When families can buy homes, they give the economy of the entire community a shot in the arm. Construction provides new jobs and expanded tax base for schools and other investments and increased sales and tax revenues.

A single family 502 direct loan generates 1.75 jobs, $50,201 in wages, and

$20,506 in annual tax revenues in rural America. In short, the program not only provides homes to low-income rural families, it provides jobs and tax revenues to rural communities.

Mr. Chairman, this amendment is a matter of fairness. The rural housing 502 direct loan program is taking a disproportionate cut in the effort to balance the budget. My amendment would simply restore some funding for home loans to low-income rural families.

The amendment is budget neutral. Most important, it would help more rural families achieve the American dream the American dream of home ownership. I urge my colleagues to approve this amendment.

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

Mr. SKEEN. Mr. Chairman, I understand what the gentleman from Delaware [Mr. CASTLE], my friend and colleague, is trying to do here to restore money to the section 502 direct loan program. But in doing so, his amendment would seriously damage other programs which have already been cut significantly. Mr. Chairman, I regret that I have to oppose this amendment.

When we dropped the limitations against some mandatory programs and had to go back into discretionary programs to look for additional savings, we looked closely at every account and made our decisions after a great deal of deliberation. That includes all the accounts that the gentleman from Delaware [Mr. CASTLE] proposes to cut to restore funds to the 502 direct loan program.

The en bloc amendment, which we have agreed to, cuts an additional $17.5 million from salaries and expenses of the Consolidated Farm Service Agency. Money for PL–480 humanitarian aid has declined steadily from $1.7 billion to just about $1 billion.

The refugee situation in Bosnia grows more tragic every day and this program is essential to American aid efforts there as it is to American aid programs in central Africa.

Conservation programs have been reduced by 40 percent in the past 2 years and this amendment will mean less money for important soil erosion and water quality programs in both rural and urban areas, and I repeat, rural and urban areas.

According to the Department of Agriculture, a $21 million cut in Conservation Operations would mean a reduction of 400 staff years, permanent closing of 140 field offices, 50,000 farmers will not be able to receive technical assistance, and 3.1 million acres of land will not be treated for conservation measures such as soil erosion.

Mr. Chairman, we have tried very hard in this bill to distribute cuts fairly and to distribute the funds carefully to meet our budget-cutting obligations. The bill, as amended, does that and I urge my colleagues to reject this amendment which simply throws away many long, hard weeks of work and effort and makes severe cuts in essential programs.

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

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

Mr. Chairman, very briefly, the numbers on this are on the Consolidated Farm Service Agency, after this cut, and this is not the bill cut in that it is only $3 million, it simply freezes it at the 1995 level.

The Natural Resources Conservation Service, my amendment would still provide a $22.3 million increase over this year. In the grants program on transportation, the title 2 grants, my amendment would provide over $801 million for this program, an increase over the request and only 3 percent cut from 1995, while this program is facing cuts of 45 and 44 percent in each of the last 2 years. I do not think they are even comparable.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman, I was chairman of the working group in the Committee on the Budget dealing with HUD and with the old Farmer's Home Administration.

I would suggest, Mr. Chairman, and to this body, that it should not be the goal of the U.S. Government to be in the banking business. We should be moving to guaranteed loans, which is much more effective, much less costly for taxpayers.

That is what this committee did. They moved and expanded the guaranteed loan program from $1 billion to $1.7 billion to serve many more clients than direct loan programs can. We should not be in the direct loan program.

Mr. CASTLE. Mr. Chairman, I yield 15 seconds to myself in response. The guaranteed loan programs do not serve this population. They serve a population at twice the income of this.

Mr. Chairman, and I yield 1 minute to the gentleman from Iowa [Mr. LATHAM].

Mr. LATHAM. Mr. Chairman, I just wanted to say that in the 5th district of Northwest Iowa, this is extremely important and I support this amendment. We virtually have no unemployment in the area. Our problem is housing. This goes right to the heart of the real needs of the people in my district, the rural areas, and I strongly support this amendment. I thank the gentleman for offering it.

Mr. DURBIN. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. STENHOLM].

□ 1600

Mr. STENHOLM. Mr. Chairman, I, too, would like very much to be supportive of the gentleman's amendment today for the reasons of housing, but again it is not that simple, and, when we look at the work that the committee has done, they had a tough call to make, and they have made that call, and, when my colleague says in the area of the FSA office he is only bringing it down to freezing at last year's level, he is overlooking two rather significant facts, and that was what I tried to point out to the gentleman from Colorado [Mr. ALLARD] a moment ago. As a result of the reauthorization we are reducing from 43 to 29 agencies in USDA. The FSA office on the same amount of money as last year is going to have to administer two additional programs. That is part of the reorganization. So what sounds like a very innocuous, simple amendment gets very complicated when it actually gets into how to implement it out there in the country.

So this is one of those areas that we would all like to be very supportive of, but again, as a result of the reorganization ongoing and that we are plowing through ground that none of us really understand the true effects of as yet I, too, must reluctantly, but rather firmly, oppose the amendment offered by the gentleman from Delaware [Mr. CASTLE] today.

Mr. CASTLE. Mr. Chairman, I yield myself 15 seconds just to rebut what the distinguished gentleman from Texas [Mr. STENHOLM] said.

Three million dollars is the reduction in FSA in this particular amendment, $3 million, and yet we are looking at a program that is almost savaged in terms of the cuts which are going on. I think the comparison makes ours fair.

Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Chairman, a couple more facts here:

Last year 130,000 people applied for what we used to call the farmer's home loan, and that is 130,000 that applied, 15,000 were able to take advantage of the money that was available. This year, under the present conditions, it would only be 8,000 people able to take advantage of it. Two years ago 27,000 people were able to take advantage of it. We have reduced those important farm programs by just a small amount. That small amount can be transferred into rural housing.

The importance of rural housing cannot be expressed enough. We have people that are working with children that must rent. They are not really contributing to the tax base of the community, they are not building up equity for their family. With a small amount of rural home loans by the Federal Government we are not only going to help those rural families, we are going to contribute to the community, and many of those rural families that we are helping with this loan money are children of farmers who deserve the dollars.

Mr. Chairman, I encourage my colleagues to vote for the Castle amendment.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama [Mr. CALLAHAN].

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

Mr. CALLAHAN. I thank the gentleman for yielding this time to me.

Mr. Chairman, I could not agree more with Governor CASTLE. I think that this 502 program is one of the finest government programs that has ever been concocted here in Washington. It does provide a very needed service to our American people, people who are working, people who are trying to make a substantial position in their life or their families who cannot go to a bank. It is very crucial and very important that we fund it, and I support the funding of it, but not in this way.

I say to the gentleman, Governor, I think that you're on the right track, but I think that the committee has worked hard. We have found another $10 million, and I'm going to introduce an amendment which I think is going to be accepted. That will increase the lending authority another $50 million. So that's going to help some.

The chairman of the committee has told me that they are going to try to work in the Senate with the Members of the Senate and in the conference committee to increase that, but I think that we ought to give due credit to the chairman of the committee for the hard work he has done under some very extreme circumstances, recognize he is supportive as the gentleman and I are, that we want to increase the funding for the 502 program. We are going to increase it, but just not in this manner.

So, Mr. Chairman, I reluctantly oppose the amendment and urge my colleagues to vote ''no'' in this case and trust us, and I know that that is something coming from a politician, but trust the chairman, that he is going to help us try to correct the problem that exists in the bill.

So, I encourage my colleagues to continue to support the 502 program but to vote ''no'' on this particular amendment.

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

Mr. Chairman, I would like to speak against this amendment, and I would like to agree with the previous speaker from Alabama. What the gentleman from Delaware is setting out to do is very important. I think he has accurately identified a real problem that we face in small-town America. It applies to the State of Illinois, virtually every State, because in the smaller communities low-income families are finding it impossible to own a home and to certainly own a quality home. The average income of the families, the borrowers who applied for 502 housing, is about $15,000 a year, and to put that in simple terms, it is a husband and a wife each earning a little bit more than the minimum wage who are trying to get their first starter home, and if there is ever anything we in America value as part of the American dream, that is it, and the gentleman from Delaware is trying to find resources to put into this program, and I am with him 100 percent.

But, as the gentleman from Alabama and the gentleman from New Mexico said, he has turned to the wrong places to find them because he is causing pain in other areas which I am afraid is equal to or greater than the pain to be felt in the housing area. ''When you want to cut $21 million from conservation operations,'' I tell my friend from Delaware, ''you are going to permanently close 140 field offices across the United States, 3.1 million acres will not be treated with conservation measures, 50,000 farmers will not receive technical assistance, and 11½ million tons of soil erosion will occur.''

Mr. Chairman, if someone is listening to that, they will say, ''So what? Water flows into rivers every day.'' The so what is that in my town of Springfield, IL, in Dover, DE, in places all across the United States where we rely on a public water supply, this sedimentation causes great pain and problems from the viewpoint of the quality of water and the quantity of water. So where we think we are saving money and cutting conservation we are adding to the expense of living in a city.

The same thing can be said for other cuts proposed by the gentleman. His cuts in the consolidated Farm Service Agency of $17½ million—I am sorry; his cuts are in addition to the $17½ million made last night in the en bloc amendment. This is going to hurt that agency, in doing its job overall. The cuts in Public Law 480, on humanitarian aid: We have been cutting back in Public Law 480 year, after year, after year, and what is left is very little to try to respond to genuine world crises in a very moderate way. I know the gentleman is just as sensitive to that as I am.

So, Mr. Chairman, I would join with the gentleman from Alabama [Mr. CALLAHAN], who said earlier that we want to help put more money in 502. I think the sources identified by the gentleman from Delaware are not the places to turn to, and I will be opposing his amendment.

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

Mr. CASTLE. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Chairman, I thank the gentleman from Delaware for yielding this time to me, and I certainly do recognize and commend the work of the chairman and the ranking member in coming up with a bill under very difficult circumstances, and what I hear from a number of different Members is that the very commendable amendment being proposed in its principle by the gentleman from Delaware whose amendment I support is—wants to do the right thing, but takes the money from the wrong place. But here we are cutting out of a program of housing home ownership for low-income families. We are taking that one down by about 50 percent, more than 50 percent, over a 2-year period, and the whole program is coming down, the whole program in agriculture coming down less than 10 percent in its total, so it seems to me we ought to be able to find a way of putting some more money into the program for the 502 program here.

It is a program that takes families who are on the edge of making it and allows them to have a stake in their community. It is their own chance for owning their own houses, in fact the only Federal program that gives assistance for low-income home ownership, so I would support the gentleman's amendment and hope that it would be adopted.

Mr. DURBIN. Mr. Chairman, I yield 1 minute to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, the gentleman from Delaware [Mr. CASTLE] and I have had conversations, and I support the direction he is going. I just disagree where he is taking his sources, and I do not know if I get in a colloquy with him to suggest later on we will have a better opportunity to discuss, and the gentleman probably disagrees with my amount and my source, but let me share with my colleagues I do support the gentleman's effort, and I do think that he and I share the right goals. It is just I do not want to devastate these other programs when that money is taken from them, leave them ineffective and inoperative.

So, I am trying to find a way to accommodate the gentleman's desire, but I am also recognizing I am going to have an amendment in title III which obviously is more ideal, and I may not have the numbers. Do I offer to lose all of the compromise?

But I think we will have a chance to visit this again, and I would just hope that the gentleman from Delaware can find it to be supportive since he wants to move in that direction anyhow. He would be able to amend mine, if necessary, to allow it to accommodate our goals.

Mr. CASTLE. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Delaware is recognized for 2 minutes.

Mr. CASTLE. Mr. Chairman, it is a very interesting amendment. I have never presented an amendment on this floor or anywhere else for that matter. Everybody got up and said, ''Gee, it is a great program, it is a great idea to fund it more. This is one of the best things we do in the United States of America, but we just simply can't do it.'' And I understand everyone's good will and am not being facetious at all when I say that, but the bottom line is I think we can do it. I think this amendment is the best vehicle in which to do it.

Mr. Chairman, I appreciate the comments of the gentlewoman from North Carolina, but the bottom line is fairly simple. The FSA concern, we are reducing that by $3 million. In the Natural Resources Conservation Service my amendment would still allow $22.3 million increase over this year, and we only have a 3-percent cut in the title II grants for the various services to foreign governments on food grants.

This is in comparison, my colleagues, to a 45-percent reduction last year in this wonderful program we run, a 42-percent reduction this year if we do not do anything about it, which is simply incredible in light of the fact that we have people standing in line, the program works, people pay back their loans, practically everybody supports it.

Mr. Chairman, in my judgment this is a program which seems to meet all the litmus tests we want of trying to balance our budget, give people an opportunity and particularly help in our rural areas where we have good people who are out there working, earning a small income but enough to be able to buy a home. I have been in these homes, I have been at these settlements, I have seen how this program works, and it is an excellent program, and I am just worried if we wait until some other time we will not be able to resolve all the problems before us.

So, Mr. Chairman, I would encourage us to go ahead with this amendment and perhaps that will be the jumping-off point for future negotiations, and I hope we would all support the Castle amendment to help keep this program we all agree is outstanding alive.

Mr. SKEEN. Mr. Chairman, I yield the remaining 30 seconds of my time to the gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Chairman, I, too, rise in reluctant opposition to the gentleman from Delaware's amendment. We all agree on the importance of this program. The difficulty is our subcommittee has spent countless hours allocating very scarce resources to the many important programs that we have. This delicate balance that we have woven together is affected very heavily by the offsets that the gentleman from Delaware [Mr. CASTLE] provides, so I look forward to, in title II of this bill, supporting Mr. CALLAHAN's amendment to do precisely the same thing, just not at the same magnitude.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Delaware [Mr. CASTLE].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CASTLE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, July 19, 1995, further proceedings on the amendment offered by the gentleman from Delaware [Mr. CASTLE] will be postponed.

□ 1615

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment, numbered 71.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SANDERS: Page 3, line 3, insert after ''$3,748,000'' the following: ''(increased by $1,000,000).''

Page 56, line 16, insert before '', of which'' the following: ''(reduced by $3,000,000)''.

Page 60, line 15 insert before '', of which'' the following: ''(increased by $1,000,000)''.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes.

Mr. SANDERS. Mr. Chairman, reserving the right to object, we are talking about the survival of the American family farm. I would ask for 30 minutes.

Mr. SKEEN. Mr. Chairman, I insist on 20 minutes.

Mr. SANDERS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard. The gentleman from Vermont is recognized for 5 minutes.

Mr. SANDERS. Mr. Chairman, did the chairman say 25 minutes?

Mr. SKEEN. Mr. Chairman I will meet the gentleman halfway, 25 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico [Mr. SKEEN] that debate on this amendment and all amendment thereto be limited to 25 minutes?

There was no objection.

The CHAIRMAN. Time for debate on this amendment is limited to 25 minutes, which means the gentleman from New Mexico [Mr. SKEEN] will control 6 minutes and 15 seconds, the gentleman from Illinois [Mr. DURBIN] will control 6 minutes and 15 seconds, and the gentleman from Vermont [Mr. SANDERS] will control 12 minutes and 30 seconds.

The Chair recognizes the gentleman from Vermont [Mr. SANDERS].

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

Mr. Chairman, the CBO scored this amendment and found it saves both budget authority and outlays. This amendment is simple: It cuts funding for the Foreign Agricultural Service by $3 million, and adds back only $2 million, $1 million to the chief economist to report on the impact of synthetic RBGH on small dairy farms, and another $1 million to the FDA to develop an RBGH level test. The remaining $1 million goes into deficit reduction.

Mr. Chairman, injections of synthetic bovine growth hormone, otherwise known as RBGH, or BST, are presenting a very serious and multifaceted problem since the Monsanto Corp. introduced the product into the market last year.

RBGH or BST is a new genetically engineered hormone that forces cows to produce greater than normal amounts of milk. The introduction of RBGH is having the impact of lowering farm income and threatening the very existence of the family dairy farm. Soon after the introduction of BST, the Milwaukee Sentinel reported on the ''Sea of new milk triggered in part by the introduction of bovine growth hormone.''

As milk production increases, the prices that farmers receive for their product declines. Given the reality that family dairy farmers have already seen a major drop in the real prices that they receive for their milk, the further decline of milk prices because of Monsanto's BST is an absolute disaster.

The truth of the matter is that in my State of Vermont, family farmers are being driven off of the land in increasing numbers. This is happening in Wisconsin, in Minnesota, all over the America, and this is a terrible tragedy for those of us who believe in family farming.

The Office of Management and Budget estimates that dairy surpluses caused by BST injections will cost farmers $1.3 billion in lost income over the next 5 years. They acknowledge that farmers are going to be receiving significantly less income.

Let me tell you something, Mr. Chairman, that the loss of family farms in Vermont or Wisconsin is not only a tragedy for our States, it is a tragedy for America. It will be a very bad thing when a handful of large agribusiness corporations control the production and distribution of dairy products in this country. It will be a tragedy when all over this country we see family farmers going out of business. That is why this amendment provides the chief economist in the Department of Agriculture with $1 million to report on the economic impact of BST on the small dairy farms in America.

Mr. Chairman, I strongly urge Members to support this study and vote for this amendment.

The introduction of RBGH to dairy farming also results in higher Federal spending. Deficit hawks, listen up. With more milk being produced, more money is spent on purchasing the milk surplus. OMB estimates it will cost the Federal Government $500 million over the next 5 years to pay for the surplus created by the introduction of BST.

Further, Mr. Chairman, the irony of all ironies is that the synthetic bovine hormone serves no useful purpose other than making Monsanto, a multibillion dollar corporation, a little bit richer. That is all that it does.

If you are interested in deficit reduction, you should support this amendment that provides $1 million in direct savings and addresses this expected $500 million lost.

Synthetic BGH is not just an economic issue, it is a consumer issue. Consumer polls show us that up to 90 percent of American consumers want RBGH milk labeled. They want it labeled. State labeling legislation that has been passed in Vermont and other States clearly underscores this very strong consumer support for labeling. Labels would enable consumers to support the continued existence of family farms, deficit reduction, and the humane treatment of cows.

Consumers around the world are leery of RBGH. The European parliament voted unanimously to extend its ban on the import of dairy and meat

products from animals which had been treated with the drug.

Mr. Chairman, this amendment provides $1 million to the FDA to develop a simple and inexpensive test so that we will know whether the milk coming from a cow, if that cow has been injected with BST or not. It is a very important consumer issue.

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

Mr. DURBIN. Mr. Chairman, I yield myself two minutes.

Mr. Chairman, I understand where my colleague from Vermont is coming from. There is no doubt that many changes in science are changing farming, and that has been the case since the turn of the century. There is no question that these changes have forced many small operations out of existence, and they will continue to. And with their disappearance, we will lose part of the American way of life, and some of that will be to our detriment as a nation.

But it is literally impossible for us to ignore scientific change and advances and its impact on farming. This chemical, this bovine growth hormone, has a consequence of increasing the milk production of America's dairy cows.

Now, the fact is, we did not need more milk. We had plenty already, but now this chemical is helping each cow to give more milk. My dairy farmers in my district are using it because they believe it is the wave of the future. They believe that fewer cows producing more milk can be the wave of the future.

The gentleman from Vermont I am sure is correct that some dairy producers will not be able to accommodate this change and may go out of business, but we cannot turn back the hands of time. We cannot ignore the science that has come about.

I disagree with my colleague from Vermont in his suggestion that there is something inherently dangerous with this chemical. There have been no fewer than 2,000 separate studies of this chemical, and we have found no harmful effects from the bovine growth hormone. The trace elements which we find of this chemical in milk are so minute, one part per billion, and if you want to put that in perspective, I am told that is the equivalent of one second in approximately 32 years, that is the concentration we find of this chemical in milk, and it causes no problem because it is already a naturally occurring hormone in a cow's milk.

Our Nation's milk supply is the very safest in the world. It is tasted over and over and over again before it reaches the consumer. Mr. Chairman, I oppose the gentleman's amendment.

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

Mr. OBEY. Mr. Chairman, I will not make any bones about it. I do not like BST. I do not like BGH. I think its effect on the economy and rural sociology will be profound. But we do not have to get into that to assess the desirability of the gentleman's amendment.

My good friend from Illinois says that the consequence of BGH use is to increase dairy production. That is true. That is the problem, because that leads to other consequences. And when you have a large increase in dairy production, you are going to also have a large increase in turmoil in rural communities and a great disruption of the rural economy and rural sociology.

I hate to see anything happen which further weakens rural areas, which further weakens small towns, and which, therefore, further weakens the work ethic, which I think is rooted more deeply in those small communities than any other place in America.

I would observe that all the gentleman is asking, if I understand the amendment correctly, is that in the context of an amendment which saves $1 million on the deficit, he simply asks that a study be done to determine what the economic impacts of this chemical will be.

Now, I know that many farmers in my district think that if you took every agriculture economist in the world and laid them end to end, that it would be a good thing. But nonetheless, I think that it would be very good for everybody on all sides of this issue to have a full understanding of the impact of this chemical. All the gentleman is asking for is that we know not only what the scientific effect will be in terms of increased dairy production, but what that will lead to in terms of the dairy economy, the consequences that has for rural America, and the consequences it has for the Federal budget.

Regardless of how you feel about the chemical, there is nothing wrong with this amendment. In fact, it could put a lot of political arguments about it to rest. I would urge that Members support the amendment.

Mr. SKEEN. Mr. Chairman, I yield 1½ minutes to the gentleman from Wisconsin [Mr. ROTH].

Mr. SANDERS. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 2½ minutes.

Mr. ROTH. Mr. Chairman, I thank my friends, for yielding time to me.

Mr. Chairman, We should all be concerned about milk safety and supply, and believe me, in Wisconsin, for example, and around the country we are. Everything is stainless steel, as clean as can be. But that is not the issue here. The issue here, as I interpret this amendment, is we are going to spend $1 million to do another study. But we have already done so many studies. Every study has shown that BGH is safe. It has even been approved by FDA.

So what is the purpose of another $1 million study? To take it out of our market promotion program? If there is anything we need in agriculture, especially in dairy, it is to sell more of our products overseas. So I do not want to see any money diverted from that for another meaningless study.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. ROTH. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, will the gentleman tell the people of America, his colleagues, how many family farms in Wisconsin have gone out of business and how many farmers have been thrown off the land?

Mr. ROTH. Mr. Chairman, reclaiming my time, yes, we have had too many dairy farms go out of business in the State of Wisconsin and in other parts of the country. But that is not the issue here. That is not the issue here.

BGH is not going to be decided here in this Chamber. BGH is not going to be decided on the dairy farm. You know where BGH is going to be decided? It is going to be decided by the consumer when they walk into the grocery store and supermarket, and if they buy the milk, it is going to be produced by BGH. If they do not, it will not be. It is a consumer's issue here.

Mr. SANDERS. The gentleman comes from the great State of Wisconsin. Farmers are being driven off the land in Wisconsin. I had farmers coming to my office in tears because they are working 80 hours a week and losing their farm. Here is the question: Will the gentleman tell his colleagues how many farmers in Vermont have been driven off the land because of the introduction of BST? Do you know the answer?

Mr. ROTH. No one knows the answer.

Mr. SANDERS. That is why I want the study.

Mr. ROTH. People have not been driven off the farms because of BGH. I am not in favor of BGH. We have enough milk production. There are a lot of other reasons. That is not the issue.

Mr. SANDERS. What is the issue?

Mr. ROTH. I have read your amendment. You want to take $1 million for another study, and I am saying we do not need any more studies. We already know the answer.

Let me just say that what the issue basically here is, we do not want to divert this money from the market promotion program, because that is a promotion program that is helping our dairy farmers. We already have enough studies in BGH. We do not need any more.

□ 1630

The CHAIRMAN. The gentleman from New Mexico [Mr. SKEEN] has 4 minutes and 15 seconds remaining, the gentleman from Vermont [Mr. SANDERS] has 3½ minutes remaining, and the gentleman from Illinois [Mr. DURBIN] has 4 minutes and 15 seconds remaining.

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

My good friend from Wisconsin has got it wrong, and my good friend from Illinois has got it wrong. So-called progress is not necessarily a good thing. It is the function of human beings to determine what is good and what is not good.

Right now one of the reasons that family farmers all over this country are being driven off of the land is the prices that they are receiving are dropping precipitously. The reason their prices are dropping is we have too much milk. If we believe in the importance of the family farm, and I know the people in Vermont do, I know the people in Wisconsin do, and I know the people in America do, then we have a right to say, why are we using a synthetic hormone. And here is where my friend from Illinois is wrong. All of the studies that I have seen suggest that BST makes cows sicker and increases the rate of mastitis. That is not, that is an established fact by many studies. When cows get sicker, farmers are obliged to use more antibiotics.

Nobody here suggested that the milk that comes from those cows is unhealthy. What we are simply saying is, what sense does it make when we already have too much milk to be supporting a product which increases milk production, which makes cows sicker, which drives family farmers off of the land?

Whether we can do anything about that or not, I do now know. But at the very least, we can do two things:

No. 1, $1 million for a study so my friend from Wisconsin will know what the impact of BST has been on his farmers. No. 2, a simple study developed by the FDA so we can have a test to know whether the milk comes from BST cows or does not.

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

Mr. DURBIN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, a friend of mine who is a farmer in Jacksonville, IL, who has been in the business for a long time told me that when he started in the early 1950's, after getting out of World War II, it took him up to an hour to cultivate an acre of land. With today's equipment he can do it in a few minutes. He can also find out that his production on each acre has grown dramatically because of the fertilizer and the herbicides and pesticides which we have developed. So now he is farming acreage which used to be farmed by many other farmers. That is the march of science.

I would also say to my friend from Vermont, please do not create the suggestion in anyone's mind that there is anything suspicious about America's milk supply. At the Prairie Farms Dairy in Carlinville, IL, I walked into the sterile room with the stainless steel tanks and was told that that milk is tested no fewer than four different times before it reaches the consumer to find any evidence of impurity or any evidence of antibiotic. If any of it is found, the entire shipment is cast aside.

It is the safest milk supply in the world. To suggest otherwise is unfortunate.

Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. GUNDERSON].

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

Mr. GUNDERSON. Mr. Chairman, I rise in strong opposition to this amendment for a number of reasons. First of all, we have done the studies mandated by this Congress in the past to determine its effect before it was approved. The reality is, it is here. We cannot change that. We have got to go on from this point forward.

Second, what you are doing to fund a study that has already been done by OTA is to take money from the foreign ag service. The number one thing we can do to help America's dairy farmers is to do the export promotion after GATT, after NAFTA, so that we can get the market development. We are not going to get our dairy farmers the income we would like to through a government price support system as we balance the budget. That is not going to happen.

The only place we are going to get income for those dairy farmers is increasing our exports, tightening up our domestic supply. I want to point out to the gentleman, a year ago, just after BST was approved, the MW, the Minnesota-Wisconsin price, was 11.25. Today it is 11.42. The prices have not gone down because of BST.

Mr. SANDERS. Mr. Chairman, I yield 1½ minutes to the gentleman from New York [Mr. HINCHEY].

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

Mr. HINCHEY. Mr. Chairman, I am very much in support of this amendment because I believe it will help us save the small family dairy farmer, and it will also promote health and safety for dairy consumers across the country.

It has been alleged that we ought to leave this to the marketplace, let consumers decide. The fact of the matter is that consumers do not know. They do not know when they walk into the marketplace, to the supermarket whether or not the cheese or the milk that they are buying comes from cows that have been injected with bovine growth hormone. We want them to find out. We want to have it labeled, and we want that study to produce the kind of information which will result in that labeling.

This current project, this injection of this hormone is already costing family farmers more than $200 million a year. We want to get the dairy herds of the United States off of drugs. They are now getting hooked on drugs. Bovine growth hormone leads to the imposition of other drugs to alleviate the causes of the imposition of bovine growth hormone. Let us get the dairy herd of the United States off drugs.

The tests that we have currently to ensure the purity of milk in this country do not account for the presence of these drugs, so people do not know whether there is a problem with these drugs. We want that information, and that is what the Sanders amendment will produce.

Finally, the Europeans have rejected the importation of American dairy products into Europe. The European Union has said no to American dairy products because they are fearful of the effects of this bovine growth hormone on consumers in their countries. They have said that they cannot guarantee their safety. The British journal Lancet and others have recently outlined that very clearly.

Let us pass this amendment. It is very important.

Mr. DURBIN. Mr. Chairman, let me say that the bovine growth hormone is naturally occurring in milk now. It is virtually impossible to differentiate the synthetic growth hormone from that naturally occurring. It is in such limited concentrations that it poses no health risk based on these 2,000 studies.

Mr. Chairman, I yield the balance of my time to the gentleman from Vermont [Mr. SANDERS].

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

Mr. Chairman, there are two main aspects to this issue. No. 1, in my view it is not inevitable that we continue to see a decline in family farms who in Vermont and throughout this country are the backbone of America.

It is important that this Congress stand up and fight as hard as we can to protect those extraordinarily hard-working Americans who have given us so much.

No. 2 is, as the gentleman from New York [Mr. HINCHEY] pointed out, this is also a consumer issue. Without getting into a great debate, the time is not now to do that, consumers do have a right to know whether the dairy products they are injecting come from cows that were injected with bST or whether they do not.

My friend from Illinois is not quite right, because tests, if made available, if developed, can tell us whether the milk comes from bST-injected cows or not. That is why we are providing funding to develop that test. My friend from New York also pointed out that in Europe they are concerned about the issue. They have placed a moratorium on the use of bST.

So, from the point of view of saving the family farm, from the point of view of giving the consumer the right to make a choice about the product he or she ingests, let us pass this amendment. It is terribly important.

I thank the gentleman from Illinois for yielding time to me.

Mr. SKEEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. SMITH].

(Mr. SMITH of Michigan asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Chairman, as one of the few dairy farmers that still is milking cows on my farm, I would like to put out a statement in the RECORD in opposition to this amendment.

The hormone bST occurs naturally in all milk. The FDA determined that bST will neither adversely affect the health of cows, nor the individuals who consume the milk produced from the these cows. This determination was based on over 2,000 studies. Extensive testing has been going on for the past 10 years. Supplemental hormones, for example, estrogens treating women during menopause, have been used in humans for the past 20 years.

The issue now is whether the Government discourage biotechnologies which have been proven safe. I believe that producers, not Government bureaucracies, ought to make decisions involving the economics of their respective operations.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Chairman, I rise in opposition to the amendment.

History is a marvelous teacher. This argument that the future, the future of the family farm will be affected by this vote, I think, is somewhat in doubt. Several hundred years ago, there was a group of individuals in England, I believe, referred to as the Luddites who opposed the imposition, ''imposition,'' of mechanization tractors on farmers. They went around hitting the tractors with hammers.

In the early 1970's, I, as a Peace Corps volunteer, went to Asia to work as an agriculture extension agent. India was a net importer of grains and there was a marvelous American scientist named Norman Borlaug who developed the triple gene variety of wheat, it was a dwarf variety of wheat that outproduced the domestic varieties, the native varieties by twofold without fertilizer, merely by just changing the seed. By adding fertilizer, you could increase yields by fourfold. The net result is India now exports wheat and rice.

Yes, we are losing family farms. New York in the 1980's lost 10 percent of its farms per year. That was 10 years before bST was licensed to be used in the United States.

It is more of a function of high property taxes that is driving small family farms out of business. Too much Government is the answer there.

Mr. Chairman, we all have concerns about bST. The gentleman from Wisconsin [Mr. GUNDERSON] explained quite clearly, as did the gentleman from Wisconsin [Mr. ROTH]. We had 10 years of testing in the laboratory before it was even brought to the farm for field tests.

And once it was brought to the farm for field tests, the results were positive. There was some increase in mastitis because the animals were milked more.

Mr. ROTH. Mr. Chairman, will the gentleman yield?

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

Mr. ROTH. Mr. Chairman, it is interesting that under this amendment, we would be labeling bST. That would give the Europeans just another reason to discriminate against our products and keep them out.

Mr. WALSH. Mr. Chairman, I urge opposition to this amendment.

Mr. SKEEN. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from New Mexico [Mr. SKEEN] is recognized for 2 minutes and 15 seconds.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. SKEEN. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, it is absolutely untrue what the gentleman from Wisconsin [Mr. ROTH] said. This does not call for labeling on BST.

Mr. SKEEN. Mr. Chairman, with all due respect to my friend, the gentleman from Vermont [Mr. SANDERS] and his concerns and so forth, but he is barking up the wrong tree. He has already contradicted himself several times in his statement.

First of all, we have been doing the tests. They have been exhaustive. We have gone over and over and over this thing.

There is nothing wrong with BST. It is a naturally occurring hormone in milk today. You cannot distinguish the synthetic from the natural. It does not take family farmers off of the farm. It allows them to stay there because with fewer cows, they can produce the same amount of milk and the feed increment is a lot less. So it is also an economical concern as well. It helps small farmers compete because they do not have to increase herds to increase production. They just use the hormone.

The FDA and the World Health Organization have confirmed that milk from these supplemented cows is safe and that the level of BST is the same as in any other milk, as I have said before. FDA did not require labeling of milk from supplemented cows because the milk is safe and the same in composition as other milk.

The following facts illustrate the high degree of practical difficulty in developing a test to distinguish rbST in milk:

All milk contains bST. The level of bST is unchanged in milk from supplemented cows. bST is present in milk only in extremely minute levels. rBST and BST are biologically and functionally indistinguishable. Four variants of BST occurred naturally in all milk and the four naturally occurring variants in the Monsanto rbST all differ from each other by only one or two amino acids. These amino acids are normal constituents of bST and milk.

□ 1645

Fearmongering is a wonderful practice in this country today when it comes to food. Any time we have an issue related to food, it is easy to take it out and start fearmongering that particular product. Mr. Chairman, I think, with all due respect to the gentleman, we ought to concern ourselves with understanding the effect of our scientific improvements and not be afraid of them, because it has made this country the best producer of milk.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Vermont [Mr. SANDERS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, July 19, further proceedings on the amendment offered by the gentleman from Vermont [Mr. SANDERS] will be postponed.

Are there further amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, $677,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–590f) including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $629,986,000, of which not less than $5,852,000 is for snow survey and water forecasting and not less than $8,875,000 is for operation and establishment of the plant materials centers: *Provided,* That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: *Provided further,* That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further,* That this appropriation shall

be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974, as amended (43 U.S.C. 1592(c)): *Provided further,* That no part of this appropriation may be expended for soil and water conservation operations under the Act of April 27, 1935 (16 U.S.C. 590a–590f) in demonstration projects: *Provided further,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed $25,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, and only high-priority projects authorized by the Flood Control Act (33 U.S.C. 701, 16 U.S.C. 1006a), in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1001–1005, 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $100,000,000, to remain available until expended (7 U.S.C. 2209b): *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $200,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), as amended, including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1001–1009), $14,000,000: *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $110,000 shall be available for employment under 5 U.S.C. 3109.

CONSERVATION PROGRAMS

For necessary expenses, not otherwise provided for, in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1011; 76 Stat. 607), and the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and the provisions of the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), to carry out the program of forestry incentives, as authorized in the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), including technical assistance and related expenses, and for carrying out a voluntary cooperative salinity control program pursuant to section 202(c) of title II of the Colorado River Basin Salinity Control Act, as amended (43 U.S.C. 1592(c)), to be used to reduce salinity in the Colorado River and to enhance the supply and quality of water available for use in the United States and the Republic of Mexico, to be used for the establishment of on-farm irrigation management systems, including related lateral improvement measures, for making cost-share payments to agricultural landowners and operators, Indian tribes, irrigation districts and associations, local governmental and nongovernmental entities, and other landowners to aid them in carrying out approved conservation practices as determined and recommended by the Secretary, and for associated costs of program planning, information and education, and program monitoring and evaluation, $36,000,000, to remain available until expended (7 U.S.C. 2209, 16 U.S.C. 590p(b)(7)): *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

WETLANDS RESERVE PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the wetlands reserve program pursuant to subchapter C of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837), $210,000,000, to remain available until expended: *Provided,* That the Secretary is authorized to use the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of carrying out the wetlands reserve program.

CONSOLIDATED FARM SERVICE AGENCY

AGRICULTURAL CONSERVATION PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry into effect the program authorized in sections 7 to 15, 16(a), 16(f), and 17 of the Soil Conservation and Domestic Allotment Act approved February 29, 1936, as amended and supplemented (16 U.S.C. 590g–590o, 590p(a), 590p(f), and 590q), and sections 1001–1004, 1006–1008, and 1010 of the Agricultural Act of 1970, as added by the Agriculture and Consumer Protection Act of 1973 (16 U.S.C. 1501–1504, 1506–1508, and 1510), and including not to exceed $15,000 for the preparation and display of exhibits, including such displays at State, interstate, and international fairs within the United States, $75,000,000, to remain available until expended (16 U.S.C. 590o), for agreements, excluding administration but including technical assistance and related expenses (16 U.S.C. 590o), except that no participant in the agricultural conservation program shall receive more than $3,500 per year, except where the participants from two or more farms or ranches join to carry out approved practices designed to conserve or improve the agricultural resources of the community, or where a participant has a long-term agreement, in which case the total payment shall not exceed the annual payment limitation multiplied by the number of years of the agreement: *Provided,* That no portion of the funds for the current year's program may be utilized to provide financial or technical assistance for drainage on wetlands now designated as Wetlands Types 3 (III) through 20 (XX) in United States Department of the Interior, Fish and Wildlife Circular 39, Wetlands of the United States, 1956: *Provided further,* That such amounts shall be available for the purchase of seeds, fertilizers, lime, trees, or any other conservation materials, or any soil-terracing services, and making grants thereof to agricultural producers to aid them in carrying out approved farming practices as authorized by the Soil Conservation and Domestic Allotment Act, as amended, as determined and recommended by the county committees, approved by the State committees and the Secretary, under programs provided for herein: *Provided further,* That such assistance will not be used for carrying out measures and practices that are primarily production-oriented or that have little or no conservation or pollution abatement benefits: *Provided further,* That not to exceed 5 percent of the allocation for the current year's program for any county may, on the recommendation of such county committee and approval of the State committee, be withheld and allotted to the Natural Resources Conservation Service for services of its technicians in formulating and carrying out the agricultural conservation program in the participating counties, and shall not be utilized by the Natural Resources Conservation Service for any purpose other than technical and other assistance in such counties, and in addition, on the recommendation of such county committee and approval of the State committee, not to exceed 1 percent may be made available to any other Federal, State, or local public agency for the same purpose and under the same conditions: *Provided further,* That not to exceed $11,000,000 of the amount appropriated shall be used for water quality payments and practices in the same manner as permitted under the program for water quality authorized in chapter 2 of subtitle D of title XII of the Food Security Act of 1985, as amended (16 U.S.C. 3838 et seq.).

CONSERVATION RESERVE PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the conservation reserve program pursuant to the Food Security Act of 1985 (16 U.S.C. 3831–3845), $1,781,785,000, to remain available until expended, to be used for Commodity Credit Corporation expenditures for cost-share assistance for the establishment of conservation practices provided for in approved conservation reserve program contracts, for annual rental payments provided in such contracts, and for technical assistance.

The CHAIRMAN. Are there any amendments to title II?

If not, the Clerk will designate title III.

The text of title III is as follows:

TITLE III

RURAL ECONOMIC AND COMMUNITY DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL ECONOMIC AND COMMUNITY DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Economic and Community Development to administer programs under the laws enacted by the Congress for the Rural Housing and Community Development Service, Rural Business and Cooperative Development Service, and the Rural Utilities Service of the Department of Agriculture, $568,000.

RURAL HOUSING AND COMMUNITY DEVELOPMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Rural Housing and Community Development Service, including administering the programs authorized by the Consolidated Farm and Rural Development Act, as amended, title V of the Housing Act of 1949, as amended, and cooperative agreements, $53,315,000: *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of 706(a) of the Organic Act of 1944, and not to exceed $500,000 may be used for employment under 5 U.S.C. 3109.

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of

1949, as amended, to be available from funds in the rural housing insurance fund, as follows: $2,200,000,000 for loans to section 502 borrowers, as determined by the Secretary, of which $1,700,000,000 shall be for unsubsidized guaranteed loans; $35,000,000 for section 504 housing repair loans; $15,000,000 for section 514 farm labor housing; $150,000,000 for section 515 rental housing; $600,000 for site loans; and $35,000,000 for credit sales of acquired property.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $107,840,000, of which $2,890,000 shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $14,193,000; section 514 farm labor housing, $8,629,000; section 515 rental housing, $82,035,000, provided the program is authorized for fiscal year 1996; and credit sales of acquired property, $6,100,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $390,211,000, of which $377,074,000 shall be transferred to and merged with the appropriation for ''Rural Housing and Community Development Service, Salaries and Expenses''.

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, as amended, $535,900,000; and in addition such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided,* That of this amount not more than $5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further,* That agreements entered into or renewed during fiscal year 1996 shall be funded for a five-year period, although the life of any such agreement may be extended to fully utilize amounts obligated.

SELF-HELP HOUSING LAND DEVELOPMENT FUND

For the principal amount of direct loans, as authorized by section 523(b)(1)(B) of the Housing Act of 1949, as amended (42 U.S.C. 1490c), $603,000.

For the cost of direct loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, $31,000.

COMMUNITY FACILITY LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, $34,880,000, and for the cost of guaranteed loans, $3,555,000, as authorized by 7 U.S.C. 1928 and 86 Stat. 661–664, as amended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That such sums shall remain available until expended for the disbursement of loans obligated in fiscal year 1996: *Provided further,* That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $200,000,000 and total loan principal, any part of which is to be guaranteed, not to exceed $75,000,000: *Provided further,* That of the amounts available for the cost of direct loans not to exceed $1,208,000, to subsidize gross obligations for the principal amount not to exceed $6,930,000, shall be available for empowerment zones and enterprise communities, as authorized by Public Law 103–66: *Provided further,* That if such funds are not obligated for empowerment zones and enterprise communities by June 30, 1996, they remain available for other authorized purposes under this head.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $8,836,000, of which $8,731,000 shall be transferred to and merged with the appropriation for ''Salaries and Expenses''.

VERY LOW-INCOME HOUSING REPAIR GRANTS

For grants to the very low-income elderly for essential repairs to dwellings pursuant to section 504 of the Housing Act of 1949, as amended, $24,900,000, to remain available until expended.

RURAL HOUSING FOR DOMESTIC FARM LABOR

For financial assistance to eligible nonprofit organizations for housing for domestic farm labor, pursuant to section 516 of the Housing Act of 1949, as amended (42 U.S.C. 1486), $10,000,000, to remain available until expended.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $12,650,000, to remain available until expended (7 U.S.C. 2209b).

RURAL COMMUNITY FIRE PROTECTION GRANTS

For grants pursuant to section 7 of the Cooperative Forestry Assistance Act of 1978 (Public Law 95–313), $1,000,000 to fund up to 50 percent of the cost of organizing, training, and equipping rural volunteer fire departments.

COMPENSATION FOR CONSTRUCTION DEFECTS

For compensation for construction defects as authorized by section 509(c) of the Housing Act of 1949, as amended, $495,000, to remain available until expended.

RURAL HOUSING PRESERVATION GRANTS

For grants for rural housing preservation as authorized by section 552 of the Housing and Urban-Rural Recovery Act of 1983 (Public Law 98–181), $11,000,000.

RURAL BUSINESS AND COOPERATIVE DEVELOPMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Rural Business and Cooperative Development Service, including administering the programs authorized by the Consolidated Farm and Rural Development Act, as amended; section 1323 of the Food Security Act of 1985; the Cooperative Marketing Act of 1926; for activities relating to the marketing aspects of cooperatives, including economic research findings, as authorized by the Agricultural Marketing Act of 1946; for activities with institutions concerning the development and operation of agricultural cooperatives; and cooperative agreements; $9,520,000: *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of 706(a) of the Organic Act of 1944, and not exceed $250,000 may be used for employment under 5 U.S.C. 3109.

RURAL BUSINESS AND INDUSTRY LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, $6,437,000, as authorized by 7 U.S.C. 1928 and 86 Stat. 661–664, as amended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That such sums shall remain available until expended for the disbursement of loans obligated in fiscal year 1996: *Provided further,* That these funds are available to subsidize gross obligations for the principal amount of guaranteed loans of $500,000,000: *Provided further,* That of the amounts available for the cost of guaranteed loans including the cost of modifying loans, $148,000, to subsidize gross obligations for the loan principal, any part of which is guaranteed, not to exceed $10,842,000, shall be available for empowerment zones and enterprise communities, as authorized by Public Law 103–66: *Provided further,* That if such funds are not obligated for empowerment zones and enterprise communities by June 30, 1996, they remain available for other authorized activities under this head.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $14,868,000, of which $14,747,000 shall be transferred to and merged with the appropriation for ''Salaries and Expenses''.

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $12,865,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $3,729,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $584,000, which shall be transferred to and merged with the appropriation for ''Salaries and Expenses''.

ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION REVOLVING FUND

For necessary expenses to carry out the Alternative Agricultural Research and Commercialization Act of 1990 (7 U.S.C. 5901–5908), $5,000,000 is appropriated to the alternative agricultural research and commercialization revolving fund.

RURAL BUSINESS ENTERPRISE GRANTS

For grants authorized under section 310B(c) and 310B(j) (7 U.S.C. 1932) of the Consolidated Farm and Rural Development Act to any qualified public or private nonprofit organization, $45,000,000, of which $8,381,000 shall be available through June 30, 1996, for assistance to empowerment zones and enterprise communities, as authorized by title XIII of the Omnibus Budget Reconciliation Act of 1993, after which any funds not obligated shall remain available for other authorized purposes under this head: *Provided,* That $500,000 shall be available for grants to qualified nonprofit organizations to provide technical assistance and training for rural communities needing improved passenger transportation systems or facilities in order to promote economic development.

RURAL TECHNOLOGY AND COOPERATIVE DEVELOPMENT GRANTS

For grants pursuant to section 310(f) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1932), $1,500,000.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), shall be made as follows: 5 percent rural electrification loans, $90,000,000; 5 percent rural telephone loans, $70,000,000; cost of money rural telephone loans, $300,000,000; municipal rate rural electric loans, $500,000,000; and loans made pursuant to section 306 of that Act, $420,000,000, to remain available until expended.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), as follows: cost of direct loans, $35,126,000; cost of municipal rate loans, $54,150,000; cost of money rural telephone loans, $60,000; cost of loans guaranteed pursuant to section 306, $2,520,000: *Provided,* That notwithstanding sections 305(c)(2) and 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $29,982,000, which shall be transferred to and merged with the appropriation for ''Salaries and Expenses''.

RURAL TELEPHONE BANK PROGRAM ACCOUNT

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out its authorized programs for the current fiscal year. During fiscal year 1996 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be $175,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct loans authorized by the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), $770,000.

In addition, for administrative expenses necessary to carry out the loan programs, $3,541,000.

DISTANCE LEARNING AND MEDICAL LINK GRANTS

For necessary expenses to carry into effect the programs authorized in sections 2331–2335 of Public Law 101–624, $7,500,000, to remain available until expended.

RURAL DEVELOPMENT PERFORMANCE PARTNERSHIPS PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1928, and 1932, $435,000,000, to remain available until expended, to be available for loans and grants for rural water and waste disposal and solid waste management grants: *Provided,* That the costs of direct loans and loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That of the total amount appropriated, not to exceed $4,000,000 shall be available for contracting with the National Rural Water Association or other equally qualified national organization for a circuit rider program to provide technical assistance for rural water systems: *Provided further,* That of the total amount appropriated, not to exceed $18,700,000 shall be available for water and waste disposal systems to benefit the Colonias along the United States/Mexico border, including grants pursuant to section 306C: *Provided further,* That of the total amount appropriated, $18,688,000 shall be for empowerment zones and enterprise communities, as authorized by Public Law 103–66: *Provided further,* That if such funds are not obligated for empowerment zones and enterprise communities by June 30, 1996, they shall remain available for other authorized purposes under this head.

In addition, for administrative expenses necessary to carry out direct loans, loan guarantees, and grants, $12,740,000, of which $12,623,000 shall be transferred and merged with ''Rural Utilities Service, Salaries and Expenses''.

SALARIES AND EXPENSES

For necessary expenses of the Rural Utilities Service, including administering the programs authorized by the Rural Electrification Act of 1936, as amended, and the Consolidated Farm and Rural Development Act, as amended, $19,211,000, of which $7,000 shall be available for financial credit reports: *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of 706(a) of the Organic Act of 1944, and not to exceed $103,000 may be used for employment under 5 U.S.C. 3109.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the order of the House of Wednesday, July 19, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

The amendment offered by the gentleman from New York [Mr. WALSH]; the amendment offered by the gentleman from Colorado [Mr. ALLARD]; the amendment offered by the gentleman from Delaware [Mr. CASTLE]; and the amendment offered by the gentleman from Vermont [Mr. SANDERS].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. WALSH

The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York [Mr. WALSH] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The clerk redesignated the amendment.

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Chairman. This first vote will be 15 minutes. Pursuant to the order of the House of Wednesday, July 19, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each additional amendment on which the Chair has postponed further proceedings.

The vote was taken by electronic device, and there were—ayes 427, not voting 7, as follows:

[Roll No. 538]

AYES—427

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

Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—7

Collins (MI)
Conyers
Jefferson
Lewis (CA)
Moakley
Mollohan
Reynolds

□ 1706

Messrs. BLILEY, HEFLEY, and GREENWOOD changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 40 OFFERED BY MR. ALLARD

Mr. CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado [Mr. ALLARD] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 196, noes 232, not voting 6, as follows:

[Roll No 539]

AYES—196

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Bereuter
Bilbray
Bliley
Blute
Boehlert
Boehner
Bono
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Calvert
Camp
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cunningham
Deal
Diaz-Balart
Dickey
Doggett
Doolittle
Dornan
Doyle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frisa
Furse
Gallegly
Gekas
Gilchrest
Gilman
Goodlatte
Goss
Graham
Green
Gutknecht
Hancock
Hansen
Harman
Hastert
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Hutchinson
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kelly
Kennedy (RI)
Kim
King
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (KY)
Lincoln
Lipinski
LoBiondo
Longley
Lucas
Luther
Manzullo
Martini
McCarthy
McInnis
McKeon
McNulty
Meehan
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Myrick
Nethercutt
Neumann
Norwood
Nussle
Owens
Oxley
Paxon
Pickett
Pombo
Porter
Portman
Pryce
Quinn
Radanovich
Ramstad
Reed
Roberts
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Salmon
Sanford
Scarborough
Schaefer
Schumer
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Smith (MI)
Smith (NJ)
Smith (WA)
Solomon
Souder
Stearns
Stockman
Stump
Talent
Tate
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Torricelli
Upton
Visclosky
Waldholtz
Walker
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Young (FL)
Zeliff
Zimmer

NOES—232

Abercrombie
Ackerman
Baesler
Baker (LA)
Baldacci
Ballenger
Barcia
Bateman
Becerra
Beilenson
Berman
Bevill
Bilirakis
Bishop
Bonilla
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Callahan
Canady
Cardin
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (IL)
Condit
Conyers
Costello
Coyne
Cramer
Cremeans
Danner
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Dicks
Dingell
Dixon
Dooley
Dunn
Durbin
Edwards
Engel
Evans
Everett
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Franks (CT)
Frost
Funderburk
Ganske
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gonzalez
Goodling
Gordon
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hastings (FL)
Hastings (WA)
Hayes
Hefner
Hilliard
Hinchey
Holden
Houghton
Hoyer
Hunter
Hyde
Jackson-Lee
Johnson (SD)
Johnson, E. B.
Johnston
Jones
Kanjorski
Kaptur
Kennedy (MA)
Kennelly
Kildee
Kingston
Klink
LaFalce
Lantos
Leach
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Linder
Livingston
Lofgren
Lowey
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McIntosh
McKinney
Meek
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Morella
Murtha
Myers
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pomeroy
Poshard
Quillen
Rahall
Rangel
Regula
Richardson
Riggs
Rivers
Roemer
Rogers
Rose
Roth
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schiff
Schroeder
Scott
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (TX)
Spence
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Tejeda
Thompson
Thornton
Thurman
Towns
Traficant
Tucker
Velázquez
Vento
Volkmer
Vucanovich
Walsh
Wamp
Ward
Waters
Watt (NC)
Waxman
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOT VOTING—6

Collins (MI)
Cubin
Jefferson
Moakley
Reynolds
Torres

Messrs. TORRICELLI, NUSSLE, TAYLOR of Washington, KLECZKA, GILMAN, FORBES, and FOLEY changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. WAMP. Mr. Chairman, on rollcall 539, I meant to vote ''yes'' and I accidentally voted ''no.''

AMENDMENT NO. 48 OFFERED BY MR. CASTLE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Delaware [Mr. CASTLE] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 96, noes 332, not voting 6, as follows:

[Roll No. 540]

AYES—96

Andrews
Baker (LA)
Barr
Bass
Bateman
Bentsen
Blute
Boehlert
Boucher
Burton
Canady
Castle
Chrysler
Clinger
Cooley
Davis
DeFazio
Dickey
Doggett
Dooley
Duncan
Dunn
Edwards
Ehlers
English
Ensign
Ewing
Fawell
Filner
Foley
Fox
Franks (NJ)
Frelinghuysen
Frisa
Furse
Gilchrest
Gillmor
Goss
Harman
Hefley
Hobson
Holden
Horn
Houghton
Hutchinson
Hyde
Inglis
Kelly
Kennedy (MA)
Kim
King
Kolbe
LaHood
Latham
Lazio
Leach
LoBiondo
Longley
Luther
Martini
McCollum
McHale
Metcalf
Meyers
Mfume
Miller (FL)
Molinari
Neal
Olver
Ortiz
Orton
Owens
Oxley
Pickett
Porter
Portman
Quinn
Ramstad
Roukema
Sanders
Saxton
Schumer
Shaw
Sisisky
Skelton
Smith (NJ)
Smith (WA)
Stearns
Stockman
Torkildsen

Velazquez
Vento
Wise
Wyden
Zeliff
Zimmer

NOES—332

Abercrombie
Ackerman
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Boehner
Bonilla
Bonior
Bono
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Cardin
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
de la Garza
Deal
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dingell
Dixon
Doolittle
Dornan
Doyle
Dreier
Durbin
Ehrlich
Emerson
Engel
Eshoo
Evans
Everett
Farr
Fattah
Fazio
Fields (LA)
Fields (TX)
Flake
Flanagan
Foglietta
Forbes
Ford
Fowler
Frank (MA)
Franks (CT)
Frost
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hoekstra
Hoke
Hostettler
Hoyer
Hunter
Istook
Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kennedy (RI)
Kennelly
Kildee
Kingston
Kleczka
Klink
Klug
Knollenberg
LaFalce
Lantos
Largent
LaTourette
Laughlin
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas
Maloney
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy
McCrery
McDade
McDermott
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Mica
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pombo
Pomeroy
Poshard
Pryce
Quillen
Radanovich
Rahall
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanford
Sawyer
Scarborough
Schaefer
Schiff
Schroeder
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shays
Shuster
Skaggs
Skeen
Slaughter
Smith (MI)
Smith (TX)
Solomon
Souder
Spence
Spratt
Stark
Stenholm
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—6

Collins (MI)
Dicks
Jefferson
Moakley
Reynolds
Weldon (PA)

□ 1722

Mr. COLLINS of Georgia and Mr. TEJEDA changed their vote from ''aye'' to ''no.''

Mr. EDWARDS changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 71 OFFERED BY MR. SANDERS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont [Mr. SANDERS] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 70, noes 357, not voting 7, as follows:

[Roll No. 541]

AYES—70

Abercrombie
Ackerman
Andrews
Barrett (WI)
Becerra
Beilenson
Brown (OH)
Collins (IL)
Conyers
Coyne
DeFazio
Dellums
Doyle
Duncan
Engel
Eshoo
Evans
Fattah
Fields (LA)
Filner
Flake
Frelinghuysen
Furse
Gutierrez
Hinchey
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kleczka
Levin
Lewis (GA)
Lipinski
Lofgren
Maloney
Manton
Markey
McNulty
Meehan
Menendez
Mfume
Mink
Moran
Nadler
Oberstar
Obey
Olver
Pallone
Pelosi
Peterson (FL)
Rahall
Rangel
Reed
Rivers
Roybal-Allard
Sabo
Sanders
Schumer
Scott
Sensenbrenner
Serrano
Shays
Stupak
Torkildsen
Torricelli
Tucker
Velazquez
Vento
Woolsey
Wyden

NOES—357

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Dreier
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Farr
Fawell
Fazio
Fields (TX)
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frisa
Frost
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kasich
Kelly
Kildee
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lowey
Lucas
Luther
Manzullo
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
Meek
Metcalf
Meyers
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Rush
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Seastrand
Shadegg
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torres
Towns
Traficant
Upton
Visclosky
Volkmer
Vucanovich
Waldholtz

Walker	Weldon (FL)	Wise
Walsh	Weldon (PA)	Wolf
Wamp	Weller	Wynn
Ward	White	Yates
Waters	Whitfield	Young (AK)
Watt (NC)	Wicker	Young (FL)
Watts (OK)	Williams	Zeliff
Waxman	Wilson	Zimmer

NOT VOTING—7

Ballenger	Jefferson	Reynolds
Calvert	Moakley	
Collins (MI)	Owens	

☐ 1731

Mr. FOLEY, Mr. RADANOVICH, and Ms. MCKINNEY changed their vote from ''aye'' to ''no.''

Mrs. MINK of Hawaii, Ms. PELOSI, Mr. LEWIS of Georgia, and Mr. OLVER changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BALLENGER. Mr. Chairman, on rollcall vote No. 541, I was detained. Had I been present, I would have voted ''no.''

☐ 1730

Mr. LAHOOD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage the distinguished chairman of the House Agriculture Appropriations Subcommittee in a colloquy.

Mr. Chairman, it is my understanding that the bill, H.R. 1976, provides funding for the treatment and reduction of atrazine in three lakes in Illinois.

Mr. Chairman, knowing of your commitment and the commitment of the distinguished ranking member, the gentleman from Illinois [Mr. DURBIN], to the environment and your concern for human safety, I want to let you know that Lake Springfield, which is in my district and also in the district of the gentleman from Illinois [Mr. DURBIN], is experiencing the same problems as the other three Illinois lakes. Lake Springfield is the drinking water source for the city of Springfield, the capital city of Illinois. Lake Springfield has experienced the floodwaters and constant rain that fell throughout the Midwest this year. Consequently, this forced the city to spend an additional $200,000 for water treatment.

For instance, the atrazine levels in Lake Springfield reached a high of 25 parts per million during the high water levels in the spring.

Mr. Chairman, I have some articles that I am including in the RECORD detailing the severity of the problem in Lake Springfield.

The atrazine level in Springfield was a subject of a comical parody of the top 10 good things about having atrazine in our water, to name a few, makes Lipton iced tea more brisk, restaurants will now ask, ''Atrazine or no atrazine?'' And finally, smoke detector, carbon monoxide detector or, now I get an atrazine detector.

Mr. Chairman, I commend you and the committee for proactively assisting central Illinois in dealing with this problem.

I would ask, with the chairman's indulgence, to include Lake Springfield to share equally in any final conference report that appropriates funds to reduce atrazine in the State of Illinois.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. LAHOOD. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, the gentleman is correct, and I would be happy to work with the gentleman from Illinois when we get to conference on this bill to ensure that his request is addressed.

Mr. LAHOOD. I would also like to acknowledge my friend, the gentleman from Illinois [Mr. DURBIN], the ranking member, who fully supports this effort and has lent his support to it. I thank him. I know the residents of Springfield, both the 20th and the 18th districts, appreciate our mutual efforts.

Mr. DURBIN. Mr. Chairman, will the gentleman yield?

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

Mr. DURBIN. Let me add my voice in support of the effort of the gentleman from Illinois [Mr. LAHOOD] here. He represents the watershed which serves Lake Springfield, which is in my district, and we have a common concern, because we both represent that city and many residents who rely on that water supply. I think his suggestion is a very valid one. I will do my best in conference to work with the gentleman from New Mexico [Mr. SKEEN] to implement it.

AMENDMENT OFFERED BY MR. DE LA GARZA

Mr. DE LA GARZA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DE LA GARZA:

AMENDMENT NO. 50: On page 41, line 3, strike out ''$390,211,000, of which $377,074,000'' and insert ''$385,889,000, of which $372,897,506''; and

On page 46 after line 7 insert the following paragraph:

''RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

''For the cost of direct loans as authorized by the rural development loan fund (42 U.S.C. 9812(a)) for empowerment zones and enterprise communities, as authorized by title XIII of the Omnibus Budget Reconciliation Act of 1993, $4,322,000, to subsidize gross obligations for the principal amount of direct loans, $7,246,000.''.

Mr. DE LA GARZA. Mr. Chairman, this amendment will restore $4,332,000 in budget authority for the rural development loan fund program to continue direct loans to rural empowerment zones and 30 rural enterprise communities established last year.

We know, and we sympathize with the problems of the appropriators, but I think that we have found a way to restore these funds, Mr. Chairman, by reducing the amount given to the administrative function of the rural housing, because the loans on rural housing have all been reduced by substantial amounts, and it is our intention that the reduction that would accrue from not having to do that work be taken from the administrative side and provided for the technical assistance to the empowerment zone.

Mr. Chairman, the empowerment zones and enterprise community are the poorest of the poor. The nominated areas have to be less than 30,000, must have an unemployment below the poverty line, over 35 percent. They must have pervasive poverty and unemployment. And with all of the good intentions that these programs were dedicated to last year, I think that it would be in our own best interests to establish them, establish confidence in the community, get them to working together, matching funds and all of the work that has been done basically by the poor themselves, and I think it would be appropriate.

I do not think that we do any damage to the area where we are transferring from, and it is not our intention to do any damage, but I think, and hopefully, that novel and innovative ways could be found between now and final passage. We will leave that to the distinguished Members, the chairman, and ranking member and their staff.

Mr. Chairman, thank you for the opportunity to explain my amendment. It would restore $4,322,000 in budget authority for the Rural Development Loan Fund Program account to continue direct loans to the three Rural Empowerment Zones and 30 Rural Enterprise Communities established last year. This will support a loan amount of $7.2 million, the same level as was contained in the version of H.R. 1976 reported out by the Appropriations Committee.

The Empowerment Initiative involving these areas will help them to help themselves by providing Federal loans and grants that will be matched with State assistance and other nonmonetary assistance such as targeted tax credits and technical assistance from a variety of Federal, State, and local agencies.

Mr. Chairman, the localities involved in this initiative are some of the most impoverished rural areas in the United States. Each zone or community selected to participate in this effort put together a long-range detailed plan for utilizing the funds and technical assistance that will be provided to them. The loans that go out under the Rural Development Loan Fund are among the most effective in creating jobs in rural America. The lending history of the RDLF program shows an average job creation of 25–30 jobs for every $110,000 loaned out. This combination provides the potential for a tremendous return on the Federal Government's investment in areas in desperate need of economic activity.

My amendment as drafted would pay for the restoration of the Empowerment Zones/Enterprise Communities funding through a decrease in

the appropriation available for the administrative expenses of the Rural Housing and Community Development Service. I will work with my colleague, Mr. SKEEN, and the Department to find alternative sources should they indicate that a cut in this agency would hinder its ability to effectively deliver the programs under its jurisdiction.

Mr. Chairman, I urge the support of my colleagues for the amendment.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from New Mexico.

Mr. SKEEN. I want to say to my very good friend from the great State of Texas and distinguished ranking member and former chairman of the Committee on Agriculture, and, by the way, my chairman when I was a member on the Committee on Agriculture. I will never forget your advice, ''Don't overtalk an issue, and if you see me run that gavel handle across my throat, it means sit down.'' Well, you do not have the gavel, so I can go on.

The gentleman from Texas [Mr. DE LA GARZA] has offered an amendment to restore $4.3 million for empowerment zones and enterprise communities under the Rural Development Loan Fund program account. Funds for this program were eliminated as part of the en bloc amendment, because in order to make the necessary additional savings from discretionary spending, we eliminated all funding for this account.

The gentleman's amendment appears to be budget neutral because it takes a like amount from the administrative expenses of the Rural Housing and Community Development Service. I say to my good friend from Texas, the committee knows about the importance of the empowerment zones and enterprise communities and has funds for them in three other accounts in this title.

However, each of these accounts has different objectives, and so I will be happy to accept the gentleman's amendment and thank him for his interest and strong support for rural America.

Mr. DE LA GARZA. I thank the distinguished chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. DE LA GARZA].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CALLAHAN

Mr. CALLAHAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CALLAHAN: Page 40, line 10, strike ''$2,200,000,000: and insert ''$2,250,000,000''.

Page 40, line 20, strike ''$107,840,000'' and insert ''$118,335,000''.

Page 39, line 24, strike ''$53,315,000'' and insert ''$42,820,000''.

Mr. CALLAHAN. Mr. Chairman, this afternoon and last night and all through this debate and all through the debate in the Committee on Agriculture as well as the Committee on Appropriations, we focused an awful lot on the 502 housing program, and I think that has been most healthy because a lot of people know about this in the House that did not know about this wonderful program that exists here in our country for people who need financing capabilities who cannot get it because of low income.

We have such a program here in this great country of ours, this 502 program. Firemen and policemen and other hard-working people for the first time in their lives have an opportunity to have the financing capability of a nice home at a reasonable cost, and let me tell you, it is a working program, one of the finest programs that this country knows, and I think that all of us now, through all of this debate, finally recognize how important it is.

We do have a dilemma, though, in this appropriation process, and let me tell you, both the gentleman from Illinois [Mr. DURBIN] and our colleague, the gentleman from New Mexico [Mr. SKEEN], have helped us tremendously as have their staffs, trying to find an opportunity to insert some more money, but there is just no capability here.

But we are optimistic that there will be a capability, as we flow through the process and get into conference committee with the Senate, and they have pledged to me that they are going to do even more to make certain that this program receives the necessary money that it needs.

We have 130,000 people whose applications have been approved who are waiting in the fiscal year starting October 1, hoping to get their first home. We are not going to be able to provide this service of all of them, but this is going to be a good start, and with the cooperation of the gentleman from Illinois [Mr. DURBIN] and the gentleman from New Mexico [Mr. SKEEN], we have come up with opportunities to add another $10 million as displayed in my amendment, which will create a capability of another $50 million in lending capability.

So I appreciate the staff of the committee working with me to find this resource. I am hopeful that we will finds more moneys, more resources, but I appreciate the spirit of working cooperation that I have received from the gentleman from New Mexico [Mr. SKEEN] and the gentleman from Illinois [Mr. DURBIN], as well as the gentlewoman from North Carolina [Mrs. CLAYTON], who has worked hard at this on her own.

Mrs. CLAYTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I join my colleague in support of this amendment. I tell you, I do it reluctantly, but I do it very proudly because I know he is moving in the right direction.

Obviously, I would have my amendment that would have restored it up to the level, or at least yesterday I wanted it restored up to the level we had it originally. Today I tried to restore it up to $1 billion and found I could not sustain a point of order.

I think the gentleman from Alabama [Mr. CALLAHAN] has done us a service of finding a way where we can begin the process.

Let me speak to the need of it. I think we need not underestimate because we have this compromise working. There is need to push for more, as the gentleman from Alabama [Mr. CALLAHAN] said, in terms of the numbers. Already in my State there are 2½ years' worth of applications at the level at which we were funded last time, $1.4 billion. So now that we are moving back, can you understand where we moved to $500 million, and now we are raising this to $50 million, that we are cutting back essentially all of the opportunity for 3 and 4 years.

My plea to you is to recognize what we are doing in destabilizing these communities. Having an investment in your first home not only is an investment for the families and their children but it is an investment in the community. It is a tax base. It is really having a piece of the American pie.

I would urge both sides of the House, if, as the gentleman from Alabama [Mr. CALLAHAN] has indicated, if in the conference we could find more money, we would encourage you to do that because this is just such a small opportunity. But I do urge that we support this because it means that at least this Congress recognizes that 502 has been a very effective program. It is a program that not only serves families well but also serves our communities well.

□ 1745

Mr. DURBIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I stand in strong support of the Callahan-Clayton amendment. This 502 program is critically important to lower-income working families and smalltown America. The gentleman from Alabama is right. There are people waiting in line for a piece of the American dream. We have got to not only add the money that was suggested, but keep looking for more. I will be working with the gentleman from New Mexico [Mr. SKEEN] to accomplish that, and I thank my colleague for his leadership as well as the gentlewoman from North Carolina.

Mr. SKEEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this amendment, I think, demonstrates very clearly the difficulty that we were in and we have been in. To make additional cuts in the discretionary program, an increase of $50 million in the loan level for section 502 direct loans, requires more than $10 million of subsidy, and this amendment would take that money from the salaries and expense accounts of the Rural Housing and Community Development Service. In 1996 that account will be used for, among other things, the closing and restructuring of USDA field offices, and that reorganization plan will save many millions of dollars in the long run. I know how important the 502 housing program is to many Members,

and it is important, as well, to me, and I will agree to this amendment. If we can do better for the 502 in the conference, we will certainly be trying to do exactly that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. CALLAHAN].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WATT OF NORTH CAROLINA

Mr. WATT of North Carolina. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WATT of North Carolina:

Amentment No. 46: Page 40, line 16, before the period insert the following:

''*: Provided,* That notwithstanding section 520 of the Housing Act of 1949, the Secretary of Agriculture may make loans under section 502 of such Act of properties in the Pine View West Subdivision, located in Gibsonville, North Carolina, in the same manner as provided under such section for properties in rural areas''.

Mr. WATT of North Carolina. Mr. Chairman, this provision would permit the subdivision in my congressional district, known as Pineview West subdivision, to be eligible once again for financing for the 502 program which was just discussed in the prior amendment. This was an eligible rural area as of the 1980 census. As a result of the 1990 census this still-rural area became a part of the standard metropolitan statistical area, and so it lost its designation as a rural area that would qualify under the 502 program.

Last year in the 103d Congress I offered this amendment which was adopted by the House Banking Committee in the housing reauthorization bill, and the housing reauthorization bill of course passed the House last time but was not acted on by the Senate.

This would not add any additional money. It would simply allow this one subdivision to compete along with other rural areas for 502 funds, and I ask the support of my colleagues.

Mr. DURBIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I stand in support of this amendment. I think it is a reasonable request by the gentleman, I think it has been reviewed by the majority as well, and I hope that we can pass this with a voice vote very quickly.

Mr. SKEEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we were reluctant to accept it, but we know of no real objection to it, so we accept it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. WATT].

The amendment was agreed to.

Mr. HASTINGS of Washington. Mr. Chairman, I move to strike the last word for the purposes of a colloquy.

Mr. Chairman, a number of fruit producers in my central Washington district have expressed concern about the report language pertaining to the United States importation of Mexican avocados. They fear that it could continue current restrictions on United States imports of Mexican avocados, and we will have the unintended consequences of diminished access to Mexico for our products.

In Washington State the apple industry expects to suffer a 50-percent reduction in exports to Mexico this year due to a costly onsite inspection program mandated by Mexico. Washington cherry exports to Mexico were also halted 4 years ago in response to alleged pest concerns. Representatives of the tree fruit industry have told me that these actions were in response to United States restrictions on Mexican avocados.

The language in the report states that in order to modify the current restrictions on Mexican avocados this product must be scientifically viewed, adequately safeguarded with enough time provided for public comment.

Mr. Chairman, does this mean that, if adequate pest risk assessment is concluded, if APHIS, the Animal and Plant Health Inspection Service, has certified that adequate safeguards have been taken and that industry has been afforded adequate comment period as spelled out in the proposed APHIS rule announced earlier this month, that the United States importation of fresh avocado fruit grown in Mexico will go forward?

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS of Washington. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, my response is ''yes.''

Mr. HASTINGS of Washington. Mr. Chairman, I know that our fruit industry producers in central Washington will be very relieved to know that they will not be the target of inappropriate retaliation by the Mexican Government due to the overly stringent United States restrictions on avocados.

AMENDMENT OFFERED BY MRS. CLAYTON

Mrs. CLAYTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. CLAYTON:

Amendment No. 34: Page 40, line 10, insert ''(less $70,000,000) before ''for loans''.

Page 40, line 11, insert ''(less $70,000,000) before ''shall''.

Page 40 line 14, strike ''$150,000,000'' and insert ''$220,000,000''.

Page 40, line 20, insert ''(less $119,000)'' before '', of which''.

Page 40, line 20, insert ''(less $119,000)'' before ''shall be for''.

Page 40, line 23, strike ''$82,035,000'' and insert ''$92,973,000''.

Mr. SKEEN. Mr. Chairman, I reserve a point of order against the amendment.

Mrs. CLAYTON. Mr. Chairman, this amendment would increase the level of 515 by an amount of $70 million raising it back to the $220 million which is currently. I understand I am going to have a point of order, so it may not indeed be allowed, but let me share this with my colleagues.

This is a program that 2 years ago had $540 million, and it was cut last year to $220 million, and it was several of us who worked on that to retain the $220 million for 515.

Why is this important? Mr. Chairman, this is the only housing available to rural America at very low rates. Rental housing is very scarce to find. In fact, adequate housing period is very scarce to find in rural areas, and to conceive of not having this little resource to advocate for the poorest of the poor seems to me is unfounded, and it has moved in the wrong direction, and the $70 million would only bring it up to the $220 million which is the current area.

I would like to think that we could perfect this, that we would not have to have a point of order. I ask the gentleman from New Mexico [Mr. SKEEN] if he could help us out on that, help me understand. Is there a possibility that we can perfect this without having a point of order?

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

Mrs. CLAYTON. I yield to the gentleman from New Mexico.

Mr. SKEEN. I understand the gentlewoman, and I have gained a great deal of respect and fondness for her, but I have to tell my colleagues this. I must make a point of order against it, the amendment, because it is in violation of section 302(f) of the Congressional Budget Act, as amended, and the Committee on Appropriations filed a subcommittee allocation for fiscal year 1996 on July 20, 1995, House Report 104–197.

Mr. Chairman, this amendment would provide new budget authority in excess of the subcommittee allocation. It is not permitted under section 302(f) of the act. However, Mr. Chairman, I ask that the amendment be ruled out of order, but I want to tell the gentlewoman I want to work with her on her problem.

Mrs. CLAYTON. Could we get a commitment that we try to find money if it is possible during the conference?

Mr. SKEEN. The gentlewoman has that commitment from me, and I appreciate her forbearance. This breaches our 602(b) allocation by $10,819,000 by the way.

Mrs. CLAYTON. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

The CHAIRMAN. The amendment offered by the gentlewoman from North Carolina [Mrs. CLAYTON] is withdrawn.

AMENDMENT OFFERED BY MR. BEREUTER

Mr. BEREUTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 31: Page 40, after line 25, insert the following:

In addition, for the cost (as defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans under a demonstration program of loan guarantees for multifamily rental housing in rural areas, $1,000,000, to be derived from the amount made available under this heading for the cost of low-income section 515 loans and to become available for obligation only upon the enactment of authorizing legislation.

Mr. BEREUTER. Mr. Chairman, the amendment that this Member is offering is virtually identical to a provision included in last year's Agriculture appropriations measure.

This Member has taken a strong interest in rural housing programs, and has been successful in efforts in the Banking Committee to authorize new, more cost-effective approaches to rural housing development. One such initiative, which the distinguished chairman of the subcommittee, Mr. SKEEN, and the distinguished ranking Member, Mr. DURBIN, have helped to make a reality, was the highly successful Section 502 Middle Income Loan Guarantee Program. This Member is pleased that this measure contains $1.5 billion in guarantee authority for that program. Now, this Member is seeking support to help make a new multifamily loan guarantee program a reality.

In the 103d Congress this Member introduced legislation to create a new multifamily loan guarantee program. That legislation would create a demonstration for a new Federal loan guarantee program for the construction of multifamily rental housing units. That legislation passed the House in the 103d Congress as part of H.R. 3838, the Housing and Community Development Act of 1994, passed July 22, 1994. Because H.R. 3838 died when the Senate failed to act on it in the last hours of the 103d Congress, this Member reintroduced the legislation, which was passed by the Housing Subcommittee as part of H.R. 1691, and is now awaiting further action by the full House.

Also, with bipartisan support on the Appropriations Committee, we were successful in including $1 million funding for this program in the Department of Agriculture appropriation for fiscal 1995, making it possible to finance approximately $25 million in guarantees, contingent upon the authorization of the demonstration program. Unfortunately, because the Senate never passed an authorization bill, that $1 million was never used. As this Member fully expects that the demonstration program will gain an authorization this year, this Member is offering this amendment to H.R. 1976 to allow $1 million of the credit subsidy allocation to be used to fund the new multifamily loan guarantee program, contingent upon that authorization. This amendment is similar to the final language adopted in the 103d Congress. This Member's staff has discussed this amendment with the distinguished Chairman's, Mr. SKEEN's, staff, and this Member understands that he is supportive. This Member greatly appreciates that support, and asks that the amendment be accepted.

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

Mr. BEREUTER. I yield to the gentlewoman from North Carolina.

Mrs. CLAYTON. Mr. Chairman, I ask the gentleman to help me understand how this would work with the current 515 program. This is at a slightly higher income level, and it is a guaranteed loan.

Mr. BEREUTER. It is a supplementary program to the 515 program which is a direct loan program, and it would be for those people whose income is 80 percent to 115 percent median area income, just as the 502 loan guarantee program, which is now 2 years old, serves this category, economic category, above the 80 percent by meeting income level.

Mrs. CLAYTON. So it is identical to the 502 unsubsidized guarantee for the same income level.

Mr. BEREUTER. It is almost identical, but that is of course a single-family program, and this would be for five units or more multifamily unit construction.

Mrs. CLAYTON. I support strongly 515. Obviously I support 515 for reasons that it serves the very poor, but I also supported 502 because it serves both the very poor as well as those not so poor who do not qualify for loans that are not guaranteed. So I want to join the gentleman in support.

Mr. BEREUTER. Mr. Chairman, I appreciate the distinguished gentlewoman from North Carolina's support, and I know how important her interest is, and successful, in housing.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I think this is a great idea, and we hope the gentleman can get his authorization through. We will accept the amendment.

Mr. BEREUTER. Mr. Chairman, I appreciate that.

Mr. DURBIN. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Illinois who has been so crucial in helping me with the 502 loan guarantee program.

Mr. DURBIN. Mr. Chairman, the gentleman from Nebraska [Mr. BEREUTER] has really shown us some leadership. This is an innovative approach to providing housing with limited exposure for Federal taxpayers and maximum investment in good housing for people living in rural areas. We were glad to support him last year. I am sorry the authorization did not go through, and I am happy to support him again this year.

Mr. LAZIO of New York. I rise in support of this amendment, offered by Mr. Bereuter, that will appropriate one million dollars for a rural rental multifamily loan guarantee demonstration program. This type of loan guarantee will leverage private-sector resources in order to provide and expand affordable rental housing opportunities. This provision is not new; during the 103d Congress, the House passed a similar provision in the housing authorization bill—H.R. 3838, The Housing and Community Development Act of 1994, which was not enacted into law. During this Congress, the Housing and Community Opportunity Subcommittee, of which I serve as chairman, has reported out legislation in H.R. 1691 that will authorize a sec. 515 multifamily loan guarantee program to be operated by the Rural Housing and Community Development Service. During this period of severe budget constraints, this type of demonstration provides Government an opportunity to form partnerships with the private and nonprofit sector to provide and expand affordable housing in rural areas. I urge support of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska [Mr. BEREUTER].

The amendment was agreed to.

AMENDMENTS OFFERED BY MR. OWENS

Mr. OWENS. Mr. Chairman, I offer two amendments which were printed in the RECORD as amendment No. 22, and I ask unanimous consent that these amendments be considered en bloc.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mr. OWENS:

Page 49, line 20, strike ''RURAL TELEPHONE BANK PROGRAM ACCOUNT'' and all that follows through line 12 on page 50.

Page 70, strike lines 12 through 14.

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

Mr. SKEEN. Mr. Chairman, I object.

Mr. OWENS. The gentleman objects to what; the amendment being offered en bloc?

Mr. SKEEN. To the amendment being offered en bloc.

The CHAIRMAN. Objection is heard.

AMENDMENT OFFERED BY MR. OWENS

Mr. OWENS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OWENS: Page 49, line 20, strike ''RURAL TELEPHONE BANK PROGRAM ACCOUNT'' and all that follows through line 12 on page 50.

□ 1800

Mr. OWENS. Mr. Chairman, this amendment is a continuation of the effort to get truth in budget balancing and to have it be made clear to the American people, have it on the record, that we are continuing to rob the cities and the people of the cities in order to take care of the programs and the institutions that support rural America.

I have nothing against giving all the possible support to farmers and institutions that serve farmers and rural America, but why are we robbing the cities? Why are we taking away a program for summer employment for youth? 600 young people will not be employed because the Committee on Appropriations is going to strike that

program, cut it to zero. We are cutting away job training programs for youth, job training programs for adults. We are drastically cutting title I programs, almost $1 billion for poor youth.

When it comes to this bill, we continue old institutions that have been draining the taxpayers for some time, even though they promised they would have a limited life and go out of existence.

Here is an example of one of those situations. Suddenly silence has descended on the House in terms of challenging some of these programs, but I think it is very important to get on the record exactly what is going on with respect to the robbing of the cities in order to take care of defunct and obsolete rural institutions.

This amendment would strike legislative language in H.R. 1976 which blocks the pending privatization of the Rural Telephone Bank and would delete the more than $3.5 million in appropriations provided for the operation of the bank. The Rural Telephone Bank was created in 1971 to provide an additional source of credit for rural telephone companies which did not qualify for subsidized direct loans and loan guarantees available from the Department of Agriculture.

At the time, taxpayers were promised that the RTB would be a time limited venture, comparable to the Federal land banks. We were assured that the initial Federal capital outlay would be repaid by eventual privatization of the bank. Privatization. The other side is fond of privatization when it comes to programs that are serving people in the cities. Why don't we have privatization here for this program?

The bank's enabling legislation directed that this privatization would begin on September 30, 1995, this year. The Clinton administration has been preparing to carry out the bank's privatization and has not requested any additional funding to support the bank, but H.R. 1976 derails those plans. It blocks privatization and it provides a new infusion of tax dollars to keep it running as a Federal entity. We are going to continue a government program which is slated to be a private program.

Yes, I want to remind my colleagues that this is in addition to the loan subsidies that were provided already by the USDA's rural utility service. In doing this, the Committee on Appropriations insists it supports privatization. It just wants more time to study the issue. Frankly, Mr. Chairman, I think 25 years is long enough to study the issue.

This privatization of the Rural Telephone Bank is not coming out of the blue. It was mandated 25 years ago. This was a promise that Congress made to the taxpayers in 1971. If we tell people on welfare two years is enough, you have to get off, five years is enough, you have to get off, tell people in public housing, two years is enough, you have to get out, why don't we set some limits on the other subsidized programs across the country? We have farm subsidy programs not being discussed here, $20,000, $30,000 going to a family. It has been happening for the last 30 years, but nobody is talking about ending it.

This amendment will strike the legislative language and move on to have the privatization take place. I think it is very important that we support this amendment, which is consistent with all we have been preaching. It would assure this promise is kept and the privatization proceeds on course.

It should also be noted that this is one of those rare issues on which President Reagan and President Clinton agree. President Reagan tried to privatize the Rural Bank in 1981 and was rebuffed. He was told it was too soon and we should wait until 1995 to privatize. 1995 is now here, and President Clinton wants to follow the lead of President Reagan.

No more studying, stalling, no more excuses. Let us keep the promise and scrape this barnacle off the hull of the Federal Government. We do not want the taxpayers to be burdened with this any longer than they have to. Let us privatize the Rural Telephone Bank. I urge a yes vote on this amendment.

Mr. SKEEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the Rural Telephone Bank was created by Congress in 1971 as a supplemental source of financing for the rural telephone program, and nothing is more essential to rural America than good telecommunications systems. I ought to know. I am probably the last Member of Congress to ever have a phone after I became a Member of Congress, and I appreciate the effort of this particular program, and appreciate it very much, because it allows families to live where they work, and particularly in rural country.

Nothing is more essential than good telecommunications systems for basic telephone services for individuals, communication systems that can attract manufacturing and service companies to create jobs. You do not have to have a headquarters company in the United States now because we have the kind of telecommunications that allows you to locate your headquarters anywhere you want it and put your warehouses somewhere else and your printing somewhere else, and that is a boon to rural communities, to educational and medical programs that give rural schools, and health care centers access to data bases in urban areas.

The Rural Telephone Bank is an important part of this particular picture, Mr. Chairman. Almost every State in the union has districts which need rural communications service. I have already pointed out that we have had to freeze or cut many of the accounts that provide services to rural areas, and this account is among them.

The loan level remains at the same loan level as fiscal year 1995, at $175 million. The cost of the loan subsidy is very modest, $770,000, which is also the same as 1995. Administrative expenses are $3.5 million, which is $5.2 million less than fiscal year 1995.

Finally, Mr. Chairman, there is simply no need for this amendment. By law, the Rural Telephone Bank must privatize, and our bill provides for that process to begin in fiscal year 1996.

Mr. Chairman, I strongly oppose this amendment, and ask my colleagues to oppose it as well.

Mr. DURBIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to take exception to my friend from New York, who suggested that somehow there is a war on cities and the rural areas have been exempted. This bill is a perfect example of a bill which is balanced in what it tries to do for the entire Nation.

It is true it serves rural areas and agriculture, which is important to all of us, regardless of where we live. But it is also a fact that a major portion of the spending in this bill literally goes into the gentleman's home city, as it does in mine, and all across the Nation, for programs like the food stamp program, child nutrition program, special milk program, the WIC Program, feeding for the elderly, and so many others that are important.

In the area of nutrition, this bill literally serves the Nation. It is not a bill directed to rural areas. There are specific programs that are directed to rural areas, and the gentleman addresses one, the Rural Telephone Bank.

I think we all concede and the committee report language says explicitly we are moving toward privatization of this bank, and I think it should be done. But we have to do it in an orderly way. What is at stake here is telephone service in areas of very sparse population, where in fact many of the large telephone companies have decided they do not want to build their subsidiaries. We have over the years created telephone cooperatives and others to deal with that service, much as we did in delivering electricity to those areas.

None of us want to jeopardize that. These are good, hard working people. We want to modernize it, we want to privatize it. I think the gentleman from New York is on the right track, but I think to do it precipitously with this amendment eliminating it may cause unintended consequences.

Mr. OWENS. Mr. Chairman, will the gentleman yield?

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

Mr. OWENS. Mr. Chairman, will the gentleman tell me what date will be an acceptable date for the final privatization? We are past the deadline.

Mr. DURBIN. Mr. Chairman, reclaiming my time, the administration has made the proposal to privatize, and we are still waiting for their suggestions. The authorizing and appropriating committees are waiting for specific

language. I wish I could tell you when that would be forthcoming.

Mr. OWENS. Would you estimate September 1996 instead of 1995? Can you make an estimate of how long it is going to take? It has been 25 years.

Mr. DURBIN. President Clinton does not take all my calls directly, but I would be happy to join the gentleman in perhaps a party line call that the two of us could make on maybe even a rural telephone program and get in touch with him to find out.

Mr. OWENS. Could the gentleman tell us what percentage the food stamp program has been cut?

Mr. DURBIN. The cuts for the food stamp program? I would have to look at it to be sure here, but it looks like in the fiscal year that we are presently in it was $25.1 billion, and that in the next fiscal year it will be $25.9 billion. So there is an increase, if I am not mistaken, in the food stamp program expenses.

Mr. OWENS. You are saying it has not been cut at all?

Mr. DURBIN. No, there are no cuts.

Mr. OWENS. With inflation as a factor, there are no cuts?

Mr. DURBIN. It looks like it is an increase of about $770 million over last year.

Mr. OWENS. The proposal to block-grant the food stamp program has been dropped?

Mr. DURBIN. Let me tell the gentleman, it is not part of this bill. It is my understanding we do not have any proposal in here relative to block grant. The gentleman and I share an opinion on block granting. The bill addresses the program as it currently exists.

Mr. OWENS. The food stamp program is now an entitlement. It will no longer be an entitlement once it is block granted, and there are proposals to block grant it, so areas like mine will have to take a huge cut if they depend on the States to continue after it reaches the levels it is funded at the Federal level.

Mr. DURBIN. The gentleman and I share the same view on this. I hope what you just described does not occur. This bill does not do that. This bill does not fund the program anticipating that will happen.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from Kansas.

Mr. ROBERTS. Mr. Chairman, I share the concern in reference to the food stamp program. This appropriations bill actually increases that. It was this gentleman on the Committee on Agriculture that made a very determined effort simply not to block grant the food stamp program.

I would say what has already been said by my colleague from New Mexico and the distinguished gentleman from Illinois, this bill allows us to privatize. We are going to do that. The OMB wanted to do it immediately. We would end up here with a situation where many rural telephone companies would not have access to the money to borrow from. It would cause utter chaos in the communications system out in our rural areas. It is really not commensurate with the food stamp program.

We will privatize. We will get there from here. I would just urge the gentleman to allow us to do this work under the bill that we would like to do, and I will be happy to work with the gentleman in regard to food stamps.

Mr. OWENS. If the gentleman will yield further, I am happy to hear that the Committee on Appropriations is committed to the privatization of the program with all deliberate speed. I hope that speed is not too deliberate.

Mr. ROTH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to briefly talk about this particular amendment. As I look at this amendment, what this amendment will do is eliminate $4.3 million in appropriations for the Rural Telephone Bank Program, and, second, it strikes a provision barring any of the bill's funds from being used to retire more than 5 percent of the Bank's Class A stock.

I am really concerned about the impact of this amendment on areas in our country where we have small independent telephone companies, States like Wisconsin. I cannot think of a State that is not impacted by this amendment.

Now, in this Congress we have been told a lot and talked a lot, we hear a lot about competition in the communications industry. In fact, we are in a major bill here this fall on this particular issue. But this program has fostered competition. This program has fostered competition by providing a source of capital to these small companies. The effect of the gentleman's amendment would be to terminate this program, which will lead to less competition. Let me say that again, less competition, and poorer service.

So I am asking and request that Members, especially from rural districts, look at this amendment, because it is going to hurt service. But it is going to do more than that, because if you do not have a good telephone service you are never going to have industry that produces jobs in those areas, and we need jobs in these rural areas. So this is not only going to harm our telephone and associated services, but it is going to harm the economies in these rural areas.

So I ask my colleagues to oppose the amendment for those reasons.

Mr. OWENS. Mr. Chairman, will the gentleman yield?

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

Mr. OWENS. Is the gentleman saying he is opposed to privatization of the Telephone Bank? He never wants to privatize it? He wants it to remain as it is forever, so the Federal Government will subsidize it for anything?

Mr. ROTH. Mr. Chairman, reclaiming my time, I never said anything about privatizing. I am in favor of privatizing. I am interpreting this amendment as to how it would affect our rural areas, not only my own State but every State of the Union. It is going to hurt not only telephone service, but hurt those areas in expanding their economy for jobs, because if you do not have good telephone service, good communication service, especially in the high-technology world we are moving into, you are never going to have industry locate in those rural areas. That is precisely what we are trying to do, so as to entice industry to those areas.

□ 1815

Mr. OWENS. Mr. Chairman, will the gentleman be offering the same agreement next year? The logic will still be there. You are saying we should never privatize again?

Mr. ROTH. Mr. Chairman, I am just saying what this amendment is going to do to your rural areas.

Mr. SKEEN. Mr. Chairman, I move to strike the requisite number of words.

I would ask the gentleman a question, if I might. I appreciate his concern.

Would the gentleman take the word of this chairman and the chairman of the House Committee on Agriculture that we will get something done in this area and give it every consideration? Would the gentleman withdraw his amendment?

Mr. OWENS. Mr. Chairman, will the gentleman yield?

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

Mr. OWENS. Mr. Chairman, would the gentleman repeat that? Do I have the chairman's word?

Mr. SKEEN. The Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, myself, the gentleman from Kansas, [Mr. ROBERTS] of the full House Committee on Agriculture, that we will work with the gentleman on this particular issue. We would appreciate very much the gentleman withdrawing his amendment at this time. Because I do not think it gets the gentleman where he wants to go. But we want to help the gentleman if he is interested in privatization. We would like to work with the gentleman.

Mr. OWENS. Mr. Chairman, can I interpret that the gentleman will be willing to set a date for privatization?

Mr. SKEEN. Absolutely, set a date any time.

Mr. OWENS. Mr. Chairman, I appreciate the gentleman's pledge.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

The CHAIRMAN. Are there further amendments to title III?

If not, the Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD NUTRITION AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Consumer Service, $440,000.

FOOD AND CONSUMER SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751–1769b), and the applicable provisions other than section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1772–1785, and 1789); $7,952,424,000, to remain available through September 30, 1997, of which $2,354,566,000 is hereby appropriated and $5,597,858,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided,* That up to $3,964,000 shall be available for independent verification of school food service claims: *Provided further,* That $1,900,000 shall be available to provide financial and other assistance to operate the Food Service Management Institute.

Notwithstanding any other provision of law, no funds other than provided in this Act may be available for nutrition education and training and the Food Service Management Institute.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $3,729,807,000, to remain available through September 30, 1997: *Provided,* That for fiscal year 1996, $20,000,000 that would otherwise be available to States for nutrition services and administration shall be made available for food benefits: *Provided further,* That $4,000,000 from unobligated balances for supervisory and technical assistance grants may be transferred to and merged with this account: *Provided further,* That the participation level on September 30, 1996, shall not exceed 7.3 million: *Provided further,* That up to $6,750,000 may be used to carry out the farmers' market nutrition program from any funds not needed to maintain current caseload levels: *Provided further,* That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011–2029), $27,097,828,000: *Provided,* That funds provided herein shall remain available through September 30, 1996, in accordance with section 18(a) of the Food Stamp Act: *Provided further,* That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided further,* That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further,* That $1,143,000,000 of the foregoing amount shall be available for nutrition assistance for Puerto Rico as authorized by 7 U.S.C. 2028.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c(note)), section 204(a) of the Emergency Food Assistance Act of 1983, as amended, and section 110 of the Hunger Prevention Act of 1988, $168,000,000, to remain available through September 30, 1977: *Provided,* That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: *Provided further,* That none of the funds in this Act or any other Act may be used for demonstration projects in the emergency food assistance program.

FOOD DONATIONS PROGRAMS FOR SELECTED GROUPS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), section 4(b) of the Food Stamp Act (7 U.S.C. 2013(b)), and section 311 of the Older Americans Act of 1965, as amended (42 U.S.C. 3030a), $215,000,000, to remain available through September 30, 1997.

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, $108,323,000, of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp coupon handling, and assistance in the prevention, identification, and prosecution of fraud and other violations of law: *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $150,000 shall be available for employment under 5 U.S.C. 3109.

AMENDMENT OFFERED BY MR. HALL OF OHIO

Mr. HALL of Ohio. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HALL of Ohio: Page 53, line 24, strike the colon and all that follows through ''7.3 million'' on line 26.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto close in 20 minutes, the time to be equally divided.

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

There was no objection.

The CHAIRMAN. The gentleman from Ohio [Mr. HALL] will be recognized for 10 minutes, and the gentleman from New Mexico [Mr. SKEEN] will be recognized for 5 minutes, and the gentleman from Illinois [Mr. DURBIN] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Ohio [Mr. HALL].

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

I am very glad to introduce the bipartisan amendment with the gentlewoman from New Jersey [Mrs. ROUKEMA]. Our amendment will simply remove the cap on the number of people who can participate in the WIC program.

As many of my colleagues know, WIC is a very effective program at reducing infant mortality. This legislation, if passed, would be the first time ever that a cap is placed on the number of people who may participate in WIC.

While we have always funded WIC in our annual appropriation bills at a specific level, we have never capped the number of people who may qualify. By striking the cap, our amendment allows for greater flexibility at the local level. It encourages the WIC directors to find the most cost-efficient ways to run the program in order to serve the most people.

The Hall-Roukema amendment has been scored by the Congressional Budget Office and is budget neutral. It will not change the level of WIC funding in this bill.

Mr. Chairman, of all of the domestic hunger programs in America, few are as efficient, effective and respected as the WIC program. By promoting breast feeding and providing nutrition supplements and food prescriptions to qualified participants, WIC serves a critical need for America's most vulnerable people, low-income mothers, infants and children.

WIC also provides access to maternal, prenatal, pediatric health care services for this targeted high-risk population. It is a short-term intervention program designed to influence lifetime nutrition and health behaviors.

Five Wall Street CEOs called WIC in written testimony the health care equivalent of a AAA-rated investment. The WIC program reduces infant mortality and low birth weight. The GAO says that for every dollar spent on WIC, America realizes a $3.50 saving in health care cost.

WIC fights hunger among our poor, but it is also a good investment. It will prevent spending money down the road.

Mr. Chairman, I am also concerned that the cap on participation will create an unnecessary layer of bureaucracy. It will create an administrative nightmare for USDA and the States as they attempt to determine an appropriate cap formula to ensure that States do not add too many participants to their rolls.

Mr. Chairman, the cap could hold up the distribution of funds until appropriate administrative procedures are in place at the Federal, State and local levels. Since a set amount is appropriated for WIC, there really is no need to cap the number of people who may participate.

A cap would force local WIC directors to turn participants away from the program, even if they have the money to serve them through efficient program management.

Mr. Chairman, I would urge you to vote for the Hall-Roukema amendment. It is budget neutral. It provides for more flexibility to the local WIC directors. It would allow cost savings to help poor people.

Please support this amendment and remove the cap on participation in the WIC program.

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

PERFECTING AMENDMENT OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Chairman, I offer a perfecting amendment.

The Clerk read as follows:

Perfecting amendment offered by Mr. GOODLING: Page 53, line 25 insert after ''1996,'' the following: ''with Federal (and not State) funding''.

Mr. GOODLING. Mr. Chairman, the amendment that I am offering would retain the $7.3 million cap for participation on the WIC program. However, it would limit the effect of participants served with Federal program dollars.

I have been a strong supporter of WIC over the years and have worked to make sure that WIC works and is a good program. This said, I also believe there is a strong need for us to balance the Federal budget. However, we cannot reduce the cost of Federal programs contained in this appropriation bill solely through reductions in programs which support our Nation's farmers.

I understand concerns have been raised about the participation cap and the need to continue to increase WIC participation. My solution to the problem is to restrict the cap to Federal dollars. This is important because if you will look at the dollars that some States have spent beyond what is spent on the Federal level, you will discover my State, for instance, spends $6 million additional money. New York spends $21 million additional money. Other States spend additional money. And, therefore, the cap would not affect what the State puts in.

However, I think it is very, very important to understand that in doing this I in no way believe that next year we should count what the State puts in as far as numbers we are to serve with Federal dollars. We serve numbers with Federal dollars that we put in. The State dollars then would provide for the additional that they want to spend.

So my amendment merely says that the cap does not include dollars that are spent by State and local governments on the program.

Mr. SKEEN. Mr. Chairman, I move to strike the last word.

I will try to address both of these interests.

First of all, Mr. Chairman, the amendment offered by the gentleman from Ohio [Mr. HALL] strikes the provision capping WIC participation at 7.3 million. That cap is only a 1-year cap in 1996. It is not to be a cap in future years.

Mr. Chairman, I rise in opposition to the gentleman's amendment, and let me tell you why.

First, let me say that this committee has always been a great supporter of the WIC Program, and with the track record of the program over the years, I do not think anyone on the committee or in Congress can be accused of being against poor pregnant women, infants and children. And this year is no exception.

Mr. Chairman, let me tell you what the committee has done this year for WIC and why. Because of inflation and food cost increases, it costs the Federal Government more every year just to maintain the existing participation level for certain programs such as WIC and school lunch. What the committee has done is provide enough money to cover inflation and food cost increases to maintain the same number of participants in fiscal year 1996 that will be in the program at the end of fiscal year 1995.

Mr. Chairman, to do this, the committee had to find $290 million from an allocation that was $424 million less in outlays than the previous year. To find this kind of money, we had to make severe reductions in rural development, conservation, and research programs that are vital to keeping this country prosperous.

Capping participation at the end of fiscal year 1996 at 7.3 million allows the program to continue at the same level as 1995 while the Congress decides what to do with the program in the welfare reform bill.

Mr. Chairman, without an adjustment in the committee's allocation to account for inflation costs, we cannot afford $300 million increases every year to maintain existing caseloads at the expense of other programs in the bill.

Mr. Chairman, I would request that the gentleman from Ohio withdraw his amendment and allow the program to continue in fiscal year 1996 while Congress works its will on the welfare reform.

The CHAIRMAN. The Chair will attempt to clarify the situation for Members who are confused. The amendment of the gentleman from Pennsylvania [Mr. GOODLING] is a perfecting amendment to the original text.

Pending the decision on that amendment, then the Hall amendment will attempt to strike that entire section which may or may not include the Goodling amendment.

PARLIAMENTARY INQUIRY

Mr. DURBIN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DURBIN. Mr. Chairman, we agreed to a time limitation at the outset of 20 minutes to the Hall amendment and all amendments thereto. If I understand the Chair's explanation, the Goodling amendment does not amend the Hall amendment so it is not subject to that time limitation.

The CHAIRMAN. That is correct. The Chair is certainly willing to entertain an agreement to include that time consideration for the Goodling amendment.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that the time limitation include the Goodling amendment.

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

Mr. GUNDERSON. Reserving the right to object, I think we need to get a handle on how much time has been consumed on both sides regarding the Hall amendment so we have some idea out of that 20-minute allocation what is left to understand the difference between the Hall and Goodling amendments before we agree to a time limit.

The CHAIRMAN. The Chair will attempt to clarify the time situation as best as he can.

The gentleman from Ohio [Mr. HALL] has only used 3 minutes of his 10 minutes, which means he still has 7 minutes remaining. The gentleman from Illinois [Mr. DURBIN] still controls 5 minutes.

The time of the gentleman from New Mexico [Mr. SKEEN] since it was directed at the Goodling amendment, does not count against the original cap, so the gentleman has 5 minutes remaining.

Mr. DURBIN. Mr. Chairman, if the gentleman will yield under his reservation, I say to my friend and colleague from New Mexico, the difference here is that the Hall amendment has been printed in the RECORD and has been subject to review.

The Goodling amendment, I am sure offered in good faith, was first brought to us just a few minutes ago, and we have not had a chance and really need an opportunity to discuss it, I think, on the floor so that we understand it and its impact on the proposal by the gentleman from Ohio [Mr. HALL].

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that debate on the Goodling amendment be limited to 10 minutes, the time to be equally controlled.

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

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 10 minutes and the gentleman from Illinois [Mr. DURBIN] will be recognized for 10 minutes. After that debate is completed, the Committee will then return to the Hall amendment.

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

Mr. DURBIN. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. Mr. Chairman, I would like to engage in a colloquy with my good friend and my chairman, the gentleman from Pennsylvania [Mr. GOODLING].

Mr. HALL and the gentlewoman from New Jersey, Mrs. ROUKEMA, have worked very hard and researched their amendment. I know exactly what it will do. It will give some flexibility to WIC directors if the food inflation rate is down. It will serve more people, and food inflation may very well be down this year. It looks like it will be down.

If they save some money on infant formula bidding, competitive bidding, which is going to be restored, I am sure, in the Senate, we know then that it would not cost the taxpayers any more money, that they will have more flexibility to serve more people.

For example, just on the question of the competitive bidding for infant formula, that saves about $1 billion a

year, enabling us to serve well over 1 million extra people a month.

□ 1830

I would ask the gentleman, what will the effect of his amendment be that will be different from the amendment offered by the gentlewoman from New Jersey [Mrs. ROUKEMA] and the gentleman from Ohio [Mr. HALL] which will leave this flexibility and not cost the taxpayers any more, because this is not an entitlement, not even a cap entitlement?

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. KILDEE. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. My amendment does not need any research. My amendment is very, very simple. It says: ''Insert after 1996 the following: 'with Federal, not State, funding.'''

What I am saying is the cap does not apply to money that is spent by States. For instance, the $6 million that my State spends, I do not have Michigan on here, so I do not know how much more the gentleman spends, but the $15 million that Massachusetts spends and the $21 million that New York spends is not part of that cap. In other words, if they put on, if my State puts on another 10,000 people, using the State money that they got from saving on their competitive bidding and all of these kinds of things, or money from their own funds, that is not part of the cap.

Mr. KILDEE. The money they rebate?

Mr. GOODLING. If the gentleman will continue to yield, that would be State money.

Mr. DURBIN. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [MR. HALL].

Mr. HALL of Ohio. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I am very concerned about this amendment because it appears to be a gutting amendment, and I believe it is. The reason I say that is that I have known all day that in fact the amendment was going to be offered by the gentleman from Pennsylvania [Mr. GOODLING]. We had asked his office several times if we could see it, it was never produced. We just saw it about 2 minutes ago.

In fact, what he is trying to do is in fact produce a vote on his first, which confuses the issue and which we have before us. The issue is we are not trying to increase the money for the WIC program. I wish personally it could be increased, but we have to live with that fact. What we are trying to say is that we want to take the cap off the number of people. We want to give the flexibility, the creativity, the innovation to the WIC directors around the country to add more people, still using the same amount of money.

I took the chance and I bothered a number of WIC directors around the country and called them by phone, and said, ''What is going to happen here with this whole process if we put a cap on people?'' And all the WIC directors said: ''We are going to be very conservative, we are not going to be aggressive, we are not going to be innovative. There is going to be a lot more money in the program that there will be penalties on, probably. What will happen is that more people that could participate in the WIC program will probably drop off the program, because as the publicity comes out that we are really restricting the program, less people will apply, and in the long run, you will have less people. What will happen is next year you will say, 'See, there are less people participating,' more money probably will be sent back to the Government, and you will say, 'You did not even spend the money in the first place, because what you are doing is you are stopping the WIC directors from doing their job. You are wasting money.'''

For that reason I certainly oppose the Goodling amendment. It is a gutting amendment.

Mr. GOODLING. Mr. Chairman, I yield myself 3 minutes. I just want to take issue with the gentleman from Ohio. I do not take second seat anyplace to him in my effort to make sure that WIC is effective and WIC works. I have worked just as hard as he has, and maybe longer. If he wants to make a statement that I am trying to gut something, he had better have some facts and figures. The reason we have not had anything to present before is because we were clearing with the Parliamentarian exactly what the language would have to be. That is why it took as long as it took.

Let me point out, Mr. Chairman, we are talking as if somehow or other we are restricting people from participating in WIC. In 1993 $97 million was returned. In 1994, $100 million was returned. In 1995, $125 million of that will be returned. We will need $70 million of that when the late vouchers come in; however, there will still be $55 million additional money. Why has it been returned? Primarily because we pumped so much money in so rapidly that there was not an infrastructure out there in order to do the job and do it with quality. Therefore, I do not want to take a back seat to anyone in relationship to my efforts on the part of WIC over the years.

Mr. KILDEE. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Michigan.

Mr. KILDEE. Mr. Chairman, there is no one over here who questions the gentleman's intentions at all, we are just worried about the language. We know that. We are worried about the language, what the effect will be, not the gentleman's intentions at all, because his record is very good in that.

What I worry about is one thing. It appears that food inflation costs will be down this year, less than in previous years, so that food inflation being down, it would appear, then, that we could feed more people. If we cap the number of people, we cannot take advantage of that low inflation for food costs. That is one of the problems I see with the gentleman's amendment.

Mr. GOODLING. The gentleman served 6.3 back in March, he will probably serve about 7.2 by the end of the year. They are allowing him to go to 7.3. I can understand what they are doing. The only way they can slow down the growth, and that is what we are talking about on every issue that comes to the Congress of the United States, the only way they can do that is to cap the numbers. Otherwise, every time we say ''the numbers are,'' then the Agriculture Department will say, ''This is how much money you need to feed that many people in WIC.''

Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. GUNDERSON].

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

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

Obviously, I rise in support of the Goodling amendment, Mr. Chairman. I think it is important to understand with the Goodling amendment, along with what the committee has done, it is to try to put together the means by which we can manage this program in an intelligent way.

The gentleman is probably right, that food inflation will be down this year, but I do not think just because food inflation is down that we ought to send a signal that in the year of welfare reform being developed in this country, that we want to go around and stack the rolls, build up the baseline, and then if something happens in welfare reform, all of a sudden we are back here next year and we go, ''What do we do?'' We have falsely created this hope that all these people are going to get covered, we do not have the money to cover them. Then we have a real problem.

I think what we are trying to do here is recognize that in order to fully serve that baseline that exists, the committee has increased WIC by $260 million this year, and we are saying there is no indication that in order to serve that baseline we have to increase the caseload above that, because inflation is not going to cause that.

Mr. GOODLING. Mr. Chairman, I just merely want to say that what I am trying to do is make sure that those extra participants that the State can add to the program have that opportunity; that this cap does not affect what the State does with State money.

Mr. KILDEE. If the gentleman will yield to me further, I want to make it clear to all the body here that the WIC program is not an entitlement program. It requires an appropriation each year. It is not even a capped entitlement, which I tried to get it to be, but

it is not. Each year we have to appropriate for this, so it is not an entitlement program, it is not something that we are going to be obligated to. We have to appropriate each year.

Mr. GOODLING. I am not involved in this entitlement fight, or how much you increase, or anything else. I am involved in the State, that those the State put on are not part of that cap. It is just as simple as that. I think the amendment is about as clear as any amendment could ever be.

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

Mr. Chairman, I would like to say at the outset that I believe the gentleman from Pennsylvania [Mr. GOODLING] is attempting to improve the appropriations bill, but I think there is a flaw in the approach that he is using. If I am not mistaken, I believe the gentleman from Pennsylvania stated during the course of the debate that if a State should save money in the WIC program by competitive bidding for infant formula, and getting a lower cost per can, saving money, that the money that they saved he believes would be State funds that could be used to increase participation. The gentleman is nodding his head in agreement, and I believe that is what he said.

Unfortunately, we have received information that suggests that that is not the case. What we have been told is that the rebates that the States receive under WIC cost containment contracts are legally Federal funds and not State funds. As a result, what the gentleman from Pennsylvania has done is to create disincentives for the States to make this a more cost-efficient program.

That is not what we want to do here. I think what we want to do is to say to each one of the States: ''Feed as many pregnant women and new mothers and their children as possible at the lowest possible cost, and if you can do that more cost-effectively and save money in the process, we want you to expand your program and bring in more eligible people.'' That is the intent of the gentleman from Ohio [Mr. HALL], it is my philosophy, and I think it is one we ought to share.

I think the difficulty here is that the money saved on cost containment is going to be considered Federal, and as a result, with the amendment of the gentleman from Pennsylvania [Mr. GOODLING], that money cannot be used to expand participation, so I would like to urge that we defeat the Goodling amendment and adopt the Hall amendment. By defeating the Goodling amendment, we will overcome this problem I have just described. By adopting the Hall amendment, we will say to the States, ''Be more cost-efficient, do the best you can for the mothers and their children, and if you can save money and expand the program to help more mothers and kids have a healthy pregnancy and healthy kids, that is a goal that we all share.''

I would urge the defeat of the Goodling amendment and the adoption of the Hall amendment.

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

The CHAIRMAN. The question is on the perfecting amendment offered by the gentleman from Pennsylvania, [Mr. GOODLING].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DURBIN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, July 19, further proceedings on the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING] will be postponed.

The debate is now on the amendment offered by the gentleman from Ohio [Mr. HALL].

Mr. HALL of Ohio. Mr. Chairman, I yield 4 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I think in view of that last debate, I would hope that this is more direct and straightforward, if not less controversial. However, I have to rise in strong support of the amendment offered by the gentleman from Ohio [Mr. HALL]; I like to call it the Hall-Roukema amendment, and I want to express appreciation to the author of the amendment because of his untiring commitment to hunger and family issues.

Mr. Chairman, I want to explain again what this amendment is. It is very direct. It eliminates the cap on the number of people who participate in the WIC program. It has nothing to do with the amount of money. We are talking about the numbers of people, not the volume of money.

Currently approximately 6.9 million families are enrolled in WIC, and under the bill the enrollment would rise to 7.3 million. That is not the end of the story. It has been amply outlined by both the gentleman from Ohio [Mr. HALL] and the gentleman from Illinois [Mr. DURBIN] that the Department of Agriculture will have to divide these slots up, and really create another bureaucracy in and of itself among the several States.

However, there are other reasons why I am in favor of this and opposed to the committee approach, because what we need is smaller government and more efficient government, and it should go back to the States, as we did in H.R. 4, the original bill, of which I am a member of the committee that wrote that bill. The participation cap in this bill does very little to make government smaller. The cap will substantially increase the WIC bureaucracy, and undermine the program, in my opinion.

More to the point, however, the fact is that there will be no reason without the Hall amendment to pursue strong cost containment measures at the State level, since any savings could not be used to bring more needy women and children into the program, but the money would be turned over to the USDA as unspent funds. That is the most important thing, because it is completely contradictory to what we did in H.R. 4, the family nutrition program, which was a Republican-initiated program to direct back to the States the opportunity for less bureaucracy, streamlining of the program.

Really, in many ways, and in a direct way, the amendment offered by the gentleman from Ohio [Mr. HALL] is completely consistent with eliminating bureaucracy and giving the WIC directors at the State level the complete flexibility they need for more efficiency within their State. I think that it must again be remembered that this amendment does not change the amount of money. We are simply saying, ''WIC directors, you improve your program, you increase the opportunities for women and children, and you will not have a cap on the number of people.'' I think it is clear that it is the kind of efficiency that we sought to have, it is the kind of efficiency that Republicans talk about, about being smarter and better, and I think it will bring benefits for all of the people that are under this program. It is not a welfare program, but it is a nutrition program that has proven itself as a cost-saver from beginning to end, not only in terms of better health, but in terms of efficiency of delivery at the State level.

Mr. Chairman, I rise in strong support of the Hall/Roukema amendment and urge its adoption. I would like to particularly thank my good friend from Ohio for his tremendous work on hunger issues for so many years. In an institution that is built on words, there is no one in this House who has displayed such an untiring commitment through his actions. He has been a champion of the children and families.

Having had the privilege of serving as the first ranking minority member of the former Select Committee on Hunger, I know something about this subject. I had the honor of working closely with then-Chairman Mickey Leland and his successor, Mr. HALL, on a range of hunger issues—both domestic and international.

Mr. Chairman, our amendment is simple. It eliminates the cap on the number of people who can participate in the WIC program. Currently, approximately 6.9 million families are enrolled in the WIC program nationwide. Under this bill, enrollment is allowed to rise to 7.3 million and no higher.

But that is it. End of story. No matter the economic conditions. No matter the need.

Without the Hall amendment and with the participation cap in place, however, there is absolutely no reason to pursue strong cost-containment measures, since any savings could not be used to bring more needy women and children into the program, but

would be turned over the USDA as unspent funds.

Finally, allow me to address specifically my Republican colleagues—my colleagues who joined me in voting in March to move the WIC program into the family nutrition block grant of H.R. 4.

And why did we do that? To give the Governor's and the States flexibility to operate their programs as effectively and efficiently as possible.

Now you can make the case that the participation cap defeats the purpose of the block grant by removing the incentive to streamline your State's program. Why should they go through the motions of reforming their programs when the USDA will be the bureaucracy that benefits—and not the children?

Let me be clear: our amendment does not say that we will increase funding for WIC next year. It simply says that WIC offices around the country should have the ability to help those who need assistance.

Let me spell out for you just what that means.

It means that the Department of Agriculture will have to divide 7.3 million slots among the various States. In effect, bureaucrats in Washington will be establishing a state-by-state WIC quota system. That alone should cause everyone in this chamber to think twice about opposing the Hall amendment.

But there are other reasons.

While I am the first to say that we need to make government smaller and more efficient, this bill presents the wrong approach.

The participation cap in this bill does very little to make government smaller. In fact, the cap will substantially increase WIC bureaucracy, undermining a program that is nothing short of an American success story.

I want to point out to my colleagues that one of the most important elements of WIC, and perhaps the element that distinguishes the WIC program from others, is the incentive to save money through cost-containment.

WIC is not welfare. It is an effective, efficient and respected health-based nutrition program. At a time when only 66 percent of eligible participants are enrolled, we would be derelict in our duty if we refused to educate more eligible women about this life-saving program.

While it is easy to get lost in a debate about mandatory and discretionary spending, about how much money to spend and where to do it, we must not lose sight of the human element here.

When the health and well-being of expectant and postpartum mothers and their children hang in the balance, we cannot afford to be wrong.

Support the Hall-Roukema amendment. Eliminate the cap place on WIC participation, and support a program that protects the women and children who need our help.

□ 1845

Mr. HALL of Ohio. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I want to express my support for the Hall-Roukema amendment to the Agriculture appropriations bill that would lift the WIC participation cap.

How would the participation cap be enforced? Would each State be assigned a participation cap? How would the USDA come up with an appropriate and fair formula that would prevent States from adding more participants to their rolls?

This cap would create an administrative nightmare for the USDA and would most likely ensure a decline in WIC participation. In an effort to comply with the law, most States would probably come in below the participation cap. Moreover, States with a surplus at the end of the year would be forced to turn away eligible participants.

WIC is an effective prevention program that saves on future health care costs. WIC provides food, education, and child care to poor women, infants, and children. It is estimated that one in five children in our country is living in poverty, and five million children under the age of 12 go hungry each month. No child in our country should go to bed hungry. Only well-nourished children reach their full potential and become productive, contributing members of society.

Hunger is caused by poverty. Poverty and hunger are a violence against humanity, whether they occur in the streets where we live or in a far-off Bosnian village.

I urge my colleagues to allow WIC directors the flexibility to manage their State WIC programs. Allow the States the flexibility to include as many WIC participants as their budgets will allow. Vote for the Hall-Roukema amendment.

Mr. MARTINI. Mr. Chairman, I rise in strong support of the Hall-Roukema amendment to remove the cap on WIC participation.

Considering the cost-effectiveness of WIC, and by now we are all familiar with the statistics on Medicaid savings that this program can provide, we should try our best to expand WIC's rolls, not limit them.

The WIC program in my area serves only about 60 percent of the eligible population.

Nationally, the number is closer to 65 percent.

I understand that we will never be able to serve 100 percent of the eligible WIC population.

Some people we will never be able to reach, and realistically speaking, we simply do not have the Federal resources to cover everyone right now.

So the status quo already forces us to place limits on WIC each fiscal year when we determine a funding level in an appropriations bill.

This is unfortunate, but merely a recognition of the actual situation.

That said, why are we now implementing a numerical cap?

As we reformed the welfare system last March, and as this new majority has taken various and new approaches to making the Federal Government work better, one overriding theme has been consistently stated.

How many times in the 104th Congress have we heard the phrase: "We must get government to do more with less"?

Well, we have not given WIC less money this time around.

In fact, we have increased its funding.

But this cap in effect tells WIC administrators across the country: Don't bother trying to implement new policies to be more efficient. Don't bother trying to stretch your budgets to reach more people with the same amount of funds.

You can't expand the rolls of your clients beyond what they have already reached, despite your best efforts to the contrary.

This is big-government, top-down management at its worst, and it should be eliminated. Without a cap, we can send a signal to WIC administrators that we want them to expand their clientele. We will reward their innovative and expansive outreach efforts, not discourage them.

Support flexibility and decentralization in the delivery of our social services by voting in favor of the Hall-Roukema amendment.

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

Mr. Chairman, I rise in support of the Hall amendment. Let me tell what has happened in my home State. The State of Illinois put out for competitive bid infant formula, and it turns out that the WIC Program in the United States, which I understand serves 40 percent of the infants in America, obviously is one of the major purchasers of infant formula.

So when a State like mine, as large as it is, decides to ask the companies that make the formula to enter a competitive bid, they had quite a bit of competition and quite a bit of savings.

They ended up with a rebate of $2.06 on every can of infant formula purchased under the WIC Program in Illinois and because they were so successful in competitive bidding, turned around and took this money and expanded the program, just what we want them to do, to be cost efficient, save money and expand the program.

We do not want to create an incentive, or disincentive I should say, for States to enter into competitive bidding. Just the opposite. Let us have them spend their tax dollars as effectively as possible, save the money and help as many families as possible. That is why the Hall amendment should be agreed to.

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

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

Mr. Chairman, this is a very good program and I still must oppose the amendment because if we do take the cap off and if you do have the efficiencies in the State operations, that is wonderful except we will put more people on the rolls and that is going to cause us to raise more money next year.

Mr. Chairman, we do not have the money. It is not here, and if we raise

that capital, take the lid off of the 7.3 million, it puts us in jeopardy because it does allow the States to put more people on, which is wonderful from the States' perspective, but from the national level, it is very precarious because we just do not have any sources to raise the money. That is the problem.

I still, Mr. Chairman, have to oppose the Hall amendment, and reluctantly so because it is a good program. It has been one of the best feeding programs we have got, of the 26 nutrition programs that we are funding today in the Federal Government.

Mr. Chairman, I appreciate what the gentleman is trying to do and admire the work that he has done, but it puts us in an untenable position, and we maintain our opposition to this proposal to remove the cap because, once again, we did overfund it last year.

States could not pick up the slack, they could not get the organization work done to put more people on, so we had to take money out in the rescission package. It has been kind of an ungodly nightmare, but I think that I understand where you are going and I hope the gentleman understands our position and I have to oppose it.

Mr. HALL of Ohio. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in closing, I would say that what we are doing here is we are removing the cap of 7.3 million people who can participate in this program in 1996. This does not change the level of funding which is appropriated in this bill. This is budget neutral according to CBO. We are not trying to increase the money.

It provides more flexibility to the WIC directors to manage their State programs. Just ask them. They want the flexibility. They want the ability to be innovative.

It is bipartisan. The administration is strongly in support of this amendment. The National Association of WIC Directors, strongly in support of it. Bread for the World, strongly in support of it. Center on Budget Priorities, strongly in support of this amendment.

Vote against the Goodling amendment. Vote for the Hall-Roukema amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. HALL].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HALL of Ohio. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the order of the House of July 19, further proceedings on the amendment offered by the gentleman from Ohio [Mr. HALL] will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. Are there further amendments to title IV?

If not, the Clerk will designate title V.

The text of title V is as follows:

TITLE V—FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954, as amended (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $128,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $123,520,000, of which $5,176,000 may be transferred from Commodity Credit Corporation funds, $2,792,000 may be transferred from the Commodity Credit Corporation program account in this Act, and $1,005,000 may be transferred from the Public Law 480 program account in this Act: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1736) and the foreign assistance programs of the International Development Cooperation Administration (22 U.S.C. 2392).

None of the funds in the foregoing paragraph shall be available to promote the sale or export of tobacco or tobacco products.

PUBLIC LAW 480 PROGRAM AND GRANT ACCOUNTS

(INCLUDING TRANSFERS OF FUNDS)

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1691, 1701–1715, 1721–1726, 1727–1727f, 1731–1736g), as follows: (1) $291,342,000 for Public Law 480 title I credit, including Food for Progress programs; (2) $25,000,000 is hereby appropriated for ocean freight differential costs for the shipment of agricultural commodities pursuant to title I of said Act and the Food for Progress Act of 1985, as amended; (3) $821,100,000 is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title II of said Act; and (4) $50,000,000 is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title III of said Act: *Provided*, That not to exceed 15 percent of the funds made available to carry out any title of said Act may be used to carry out any other title of said Act: *Provided further*, That such sums shall remain available until expended (7 U.S.C. 2209b).

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct credit agreements as authorized by the Agricultural Trade Development and Assistance Act of 1954, as amended, and the Food for Progress Act of 1985, as amended, including the cost of modifying credit agreements under said Act, $236,162,000.

In addition, for administrative expenses to carry out the Public Law 480 title I credit program, and the Food for Progress Act of 1985, as amended, to the extent funds appropriated for Public Law 480 are utilized, $1,750,000.

SHORT-TERM EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than $5,200,000,000 in credit guarantees under its export credit guarantee program for short-term credit extended to finance the export sales of United States agricultural commodities and the products thereof as authorized by section 202(a) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641).

INTERMEDIATE-TERM EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than $500,000,000 in credit guarantees under its export credit guarantee program for intermediate-term credit extended to finance the export sales of United States agricultural commodities and the products thereof as authorized by section 202(b) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641).

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM–102 and GSM–103, $3,381,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which not to exceed $2,792,000 may be transferred to and merged with the appropriation for the salaries and expenses of the Foreign Agricultural Service, and of which not to exceed $589,000 may be transferred to and merged with the appropriation for the salaries and expenses of the Consolidated Farm Service Agency.

The CHAIRMAN. Are there any amendments to title V?

If not, the Clerk will designate title VI.

The text of title VI is as follows:

TITLE VI—RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; $904,694,000, of which not to exceed $84,723,000 in fees pursuant to section 736 of the Federal Food, Drug, and Cosmetic Act may be credited to this appropriation and remain available until expended: *Provided*, That fees derived from applications received during fiscal year 1996 shall be subject to the fiscal year 1996 limitation: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701.

In addition, fees pursuant to section 354 of the Public Health Service Act may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provide, $15,350,000, to remain available until expended (7 U.S.C. 2209b).

RENTAL PAYMENTS (FDA)

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act, $46,294,000: *Provided*, That in the event the Food and Drug Administration should require modification of space needs, a share of

the salaries and expenses appropriation may be transferred to this appropriation, or a share of this appropriation may be transferred to the salaries and expenses appropriation, but such transfers shall not exceed 5 percent of funds made available for rental payments (FDA) to or from this account.

DEPARTMENT OF THE TREASURY

FINANCIAL MANAGEMENT SERVICE

PAYMENTS TO THE FARM CREDIT SYSTEM FINANCIAL ASSISTANCE CORPORATION

For necessary payments to the Farm Credit System Financial Assistance Corporation by the Secretary of the Treasury, as authorized by section 6.28(c) of the Farm Credit Act of 1971, as amended, for reimbursement of interest expenses incurred by the Financial Assistance Corporation on obligation issued through 1994, as authorized, $15,453,000.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act, as amended (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed $25,000 for employment under 5 U.S.C. 3109; $49,144,000, including not to exceed $1,000 for official reception and representation expenses: *Provided,* That the Commission is authorized to charge reasonable fees to attendees of Commission sponsored educational events and symposia to cover the Commission's costs of providing those events and symposia, and notwithstanding 31 U.S.C. 3302, said fees shall be credit to this account, to be available without further appropriation.

The CHAIRMAN. Are there any amendments to title VI?

If not, the Clerk will designate title VII.

The text of title VII is as follows:

TITLE VII—GENERAL PROVISIONS

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the fiscal year 1996 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 665 passenger motor vehicles, of which 642 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

SEC. 703. Not less than $1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service work authorized by the Acts of August 14, 1946, and July 28, 1954 (7 U.S.C. 427, 1621–1629), and by chapter 63 of title 31, United States Code, shall be available for contracting in accordance with said Acts and chapter.

SEC. 704. The cumulative total of transfers to the Working Capital Fund for the purpose of accumulating growth capital for data services and National Finance Center operations shall not exceed $2,000,000: *Provided,* That no funds in this Act appropriated to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency administrator.

SEC. 705. New obligational authority provided for the following appropriation items in this Act shall remain available until expended (7 U.S.C. 2209b): Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, and integrated systems acquisition project; and Foreign Agricultural Service, middle-income country training program.

New obligational authority for the boll weevil program; up to 10 percent of the screwworm program of the Animal and Plant Health Inspection Service; Food Safety and Inspection Service, field automation and information management project; funds appropriated for rental payments; funds for the Native American institutions endowment fund in the Cooperative State Research, Education, and Extension Service, and funds for the competitive research grants (7 U.S.C. 450i(b)) shall remain available until expended.

SEC. 706. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 707. Not to exceed $50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to Public Law 94–449.

SEC. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 709. Notwithstanding any other provision of this Act, commodities acquired by the Department in connection with Commodity Credit Corporation and section 32 price support operations may be used, as authorized by law (15 U.S.C. 714c and 7 U.S.C. 612c), to provide commodities to individuals in cases of hardship as determined by the Secretary of Agriculture.

SEC. 710. None of the funds in this Act shall be available to reimburse the General Services Administration for payment of space rental and related costs in excess of the amounts specified in this Act; nor shall this or any other provision of law require a reduction in the level of rental space or services below that of fiscal year 1994 or prohibit an expansion of rental space or services with the use of funds otherwise appropriated in this Act. Further, no agency of the Department of Agriculture, from funds otherwise available, shall reimburse the General Services Administration for payment of space rental and related costs provided to such agency at a percentage rate which is greater than is available in the case of funds appropriated in this Act.

SEC. 711. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 712. None of the funds in this Act shall be available to pay indirect costs on research grants awarded competitively by the Cooperative State Research, Education, and Extension Service that exceed 14 percent of total Federal funds provided under each award.

SEC. 713. Notwithstanding any other provisions of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

SEC. 714. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in fiscal year 1996 shall remain available until expended to cover obligations made in fiscal year 1996 for the following accounts: the rural development loan fund program account; the Rural Telephone Bank program account; the rural electrification and telecommunications loans program account; and the rural economic development loans program account.

SEC. 715. Such sums as may be necessary for fiscal year 1996 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 716. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the ''Buy American Act'').

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 717. Notwithstanding the Federal Grant and Cooperative Agreement Act, marketing services of the Agricultural Marketing Service may use cooperative agreements to reflect a relationship between Agricultural Marketing Service and a State or Cooperator to carry out agricultural marketing programs.

SEC. 718. PROHIBITION ON USE OF FUNDS FOR HONEY PAYMENTS OR LOAN FORFEITURES.—Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act shall be used by the Secretary of Agriculture to provide for a total amount of payments and/or total amount of loan forfeitures to a person to support the price of honey under section 207 of the Agriculture Act of 1949 (7 U.S.C. 1446h) and section 405A of such Act (7 U.S.C. 1425a) in excess of zero dollars in the 1994, 1995, and 1996 crop years.

SEC. 719. None of the funds in this Act may be used to retire more than 5% of the Class A stock of the Rural Telephone Bank.

SEC. 720. None of the funds appropriated or otherwise made available by this Act may be used to provide benefits to households whose benefits are calculated using a standard deduction greater than the standard deduction in effect for fiscal year 1995.

SEC. 721. None of the funds made available in this Act may be used for any program, project, or activity when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any applicable Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

The CHAIRMAN. Are there any amendments to title VII?

If not, the Clerk will read the last 3 lines of the bill.

The Clerk read as follows:

This Act may be cited as the ''Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1996''.

Mr. TORKILDSEN. Mr. Chairman, I support the Hall-Roukema amendment, and I commend my colleagues for bringing this important issue to the floor. It will maximize the potential of a time-tested and needed program, while remaining completely budget neutral.

The program's motto is ''WIC Works Wonders'' and indeed it does:

In over 70 evaluation studies, WIC has demonstrated improved pregnancy and reduced anemia in children;

Medicaid beneficiaries have experienced a lower infant mortality rate;

Four- to five-year-old children have increased immunization rates and improved vocabularies.

WIC serves 6.5 million women and children monthly, saving the Government over $700 million every year in health and education expenditures. With such a significant return on our investment, I regret that this Congress is unable to provide for additional cases in the coming year. However, this amendment will at least give cost-conscious States the opportunity to expand their own caseloads if additional funds become available. A participation cap is counterproductive and potentially harmful to a program that deserves our full support.

I urge my colleagues to support WIC by voting for the Hall-Roukema amendment.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the order of the House of Wednesday, July 19, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: The amendment offered by the gentleman from Pennsylvania [Mr. GOODLING]; the amendment offered by the gentleman from Ohio [Mr. HALL].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

PERFECTING AMENDMENT OFFERED BY MR. GOODLING

The CHAIRMAN. The pending business is the demand for a recorded vote on the perfecting amendment offered by the gentleman from Pennsylvania [Mr. GOODLING] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, July 19, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

The vote was taken by electronic device, and there were—ayes 230, noes 193, not voting 11, as follows:

[Roll No. 542]

AYES—230

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martinez
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—193

Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Slaughter
Smith (NJ)
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Ward
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—11

Abercrombie
Collins (MI)
Gallegly
Goodling
Jefferson
Moakley
Pallone
Reynolds
Saxton
Volkmer
Waters

☐ 1916

Messrs. VENTO, BARCIA, TAUZIN, and JACOBS changed their vote from ''aye'' to ''no.''

Ms. PRYCE, Mrs. KELLY, Mr. FLANAGAN, and Mr. TORKILDSEN changed their vote from ''no'' to ''aye.''

So the perfecting amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PALLONE. Mr. Chairman, during rollcall vote No. 542 on H.R. 1976 I was unavoidably detained. Had I been present I would have voted ''nay''. I ask unanimous consent that my statement appear in the RECORD immediately following rollcall vote No. 542.

AMENDMENT OFFERED BY MR. HALL OF OHIO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio [Mr. HALL] on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 278, noes 145, not voting 11, as follows:

[Roll No. 543]

AYES—278

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Buyer
Camp
Canady
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coburn
Coleman
Collins (IL)
Condit
Conyers
Costello
Coyne
Cramer
Cremeans
Cunningham
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Ehlers
Engel
English
Ensign
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Graham
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hayworth
Hefner
Heineman
Hilleary
Hilliard
Hinchey
Hoekstra
Holden
Horn
Hoyer
Inglis
Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Klug
LaFalce
LaHood
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lincoln
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McDade
McDermott
McHale
McHugh
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pomeroy
Portman
Poshard
Pryce
Quillen
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Studds
Stupak
Tanner
Tate
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Waldholtz
Wamp
Ward
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zimmer

NOES—145

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Bartlett
Barton
Bass
Bateman
Bliley
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunning
Burr
Burton
Callahan
Calvert
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cubin
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Duncan
Dunn
Ehrlich
Emerson
Everett
Ewing
Fields (TX)
Foley
Frisa
Funderburk
Ganske
Gekas
Goodlatte
Goss
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hefley
Herger
Hobson
Hoke
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Istook
Johnson, Sam
Jones
Kasich
Kim
King
Kingston
Knollenberg
Kolbe
Largent
Latham
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Manzullo
McCrery
McIntosh
McKeon
Mica
Miller (FL)
Molinari
Moorhead
Myers
Myrick
Nethercutt
Neumann
Norwood
Nussle
Oxley
Packard
Paxon
Pombo
Porter
Radanovich
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (TX)
Solomon
Stockman
Stump
Talent
Taylor (NC)
Thomas
Thornberry
Tiahrt
Vucanovich
Walker
Walsh
Watts (OK)
Whitfield
Wicker
Young (AK)
Zeliff

NOT VOTING—11

Cardin
Collins (MI)
Dreier
Gallegly
Goodling
Jefferson
Moakley
Reynolds
Saxton
Smith (WA)
Volkmer

□ 1925

The Clerk announced the following pair:

On this vote:

Mr. Moakley for, with Mr. Dreier against.

Messrs. WELLER, WAMP, GRAHAM, FORBES, and LONGLEY changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. GILMAN. Mr. Chairman, I move to strike the last word.

(Mr. GILMAN asked and was given permission to revise and extend this remarks.)

Mr. GILMAN. Mr. Chairman, I wish to comment on title V of the bill. I strongly support title II funding to feed starving people, and I urge the committee to preserve and enhance funding for the P.L. 480, title II, program.

Mr. Chairman, with the budget constraints we are under, we need to make cuts in foreign assistance. My committee's bill, the American Overseas Interests Act passed the House on June 8 by reducing spending over $3 billion in fiscal year 1996 and fiscal year 1997. We did this while increasing funding for programs that actually saved lives—disaster assistance, refugee relief and food aid. Simply put, the Public Law 480 title II program saves lives by feeding starving people.

Through the title II food aid program, the American people feed 2.7 million displaced and war-affected people within Bosnia and another 2 million in Angola. Thirteen million mothers and children on the Indian subcontinent depend on this program for daily nutrition. Closer to home, over 1 million Haitians depend on this program for nutrition, helping to ensure the survival of the democracy there. The title II program is designed to work with the leading American relief agencies such as Care, Catholic Relief Services, Save the Children and World Vision. These organizations, which raise most of their funds through private donations, represent the best in America and our mission to the poor.

This year, the Appropriations Committee wisely chose not to make budget savings for the title II program by recommending last year's level of $821 million. Unfortunately, this will still represent a cut for the program. Under a little known provision—section 416(b) of the Agricultural Act of 1949—the Secretary of Agriculture is authorized to provide commodities acquired by the Commodity Credit Corporation [CCC] to the title II program. In fiscal year 1993, over 2 million metric tons of foods were donated under 416. Because CCC stocks have dwindled, in fiscal year 1994 only 160,000 metric tons were delivered and this year no ''416'' food will be available.

Mr. Chairman, for all the work we have done, hunger is still a problem in the developing world. Even under the optimistic estimates of the administration, we will fall over 400,000 metric tons of food short of the needs of starving people around the world. Recognizing this need, the International Relations Committee included a 2-year authorization for a minimum of 2.025 million metric tons of food to be delivered under the title II program. Cost estimates show this would be equal an authorized funding level of $863 million for this program in fiscal year 1996 and fiscal year 1997.

Mr. Chairman, the Title III Government-to-Government Program is a new one, created in 1990. While it has worthy goals, it clearly does not have the priority that the title II program has in saving lives. The administration recognized this when it proposed cutting the title III program by $100 million, down to $50 million. The Budget Committee recommended ending the title III program altogether. Working with Representative BEREUTER on the House floor, we saved the program in the American Overseas Interests Act at the $25 million level. Given the needs of starving people, I believe that the Appropriations Committee should reflect the authorizing committee levels and

emphasize the life-saving mission of the title II program.

I want to thank Chairman SKEEN and Representative DURBIN for their work on this issue. They have done good work on this bill and I will strongly support it on final passage.

I ask that since I will be unable to offer my amendment to title V to transfer $25 million from the public law 480 Title III, Government-to-Government Program; to the public law 480 Title II program. I strongly support funding for the title II program.

AMENDMENT OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DURBIN: Page 71, after line 2, insert the following new section:

SEC. 726. None of the funds made available in this Act to the Department of Agriculture may be used (1) to carry out, or pay the salaries of personnel who carry out, any extension service program for tobacco; or (2) to provide, or to pay the salaries of personnel who provide, crop insurance for tobacco for the 1996 or later crop years.

Mr. DURBIN. Mr. Chairman, I have an amendment at the desk, and I would like to inquire of the chairman of the committee if he would like to enter into a unanimous consent as to the time for the debate on this amendment relative to the tobacco program, and I would like to suggest to the chairman that we limit the debate on this amendment and all amendments thereto to 1 hour, 30 minutes on each side.

Mr. SKEEN. If the gentleman will yield, would the gentleman accept 40 minutes, 20 minutes on each side?

Mr. DURBIN. I would like to think that could happen. But honestly I have 20 requests for time to speak. I think 30 minutes is realistic on each side.

Mr. SKEEN. The gentleman is bound and determined to extend this thing. Thirty minutes each side?

Mr. DURBIN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 1 hour, 30 minutes, equally divided by myself and the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Chairman, I yield my time on this side to the gentleman from Kentucky [Mr. ROGERS].

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois [Mr. DURBIN]?

There was no objection.

The CHAIRMAN. The time limitation on this amendment will be 1 hour, equally divided, 30 minutes by proponents and opponents, and all amendments thereto. Time for the proponents will be controlled by the gentleman from Illinois [Mr. DURBIN], and the opposition by the gentleman from Kentucky [Mr. ROGERS].

POINT OF ORDER

Mr. EWING. Mr. Chairman, I reserve a point of order against the Durbin amendment and ask that he explain the amendment.

Mr. DURBIN. Mr. Chairman, may I correctly assume this time will not be taken from the debate time on the amendment?

The CHAIRMAN. The Chair will make that concession.

Mr. DURBIN. Soon?

The CHAIRMAN. Yes.

Mr. DURBIN. I might respond to the inquiry from the gentleman from Illinois that this amendment has been changed and does two things. It says that none of the funds made available in this act, this appropriation to the Department of Agriculture, may be used, No. 1, to carry out or pay the salaries of personnel who carry out any extension service program for tobacco or, No. 2, to provide or to pay the salaries of personnel and provide crop insurance for tobacco for the 1996 or later crop years.

Mr. EWING. Mr. Chairman, I make a point of order against the amendment.

PARLIAMENTARY INQUIRY

Mr. DURBIN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. DURBIN. Mr. Chairman, would the Chair clarify the status of time on this inquiry and this point of order?

The CHAIRMAN. The inquiry does not come out of debate time.

Mr. DURBIN. I thank the Chair.

Mr. EWING. Mr. Chairman, rule XXI, clause 2(c) provides that no amendment to a general appropriation bill shall be in order if changing existing law.

□ 1930

The burden is also on the proponent of an amendment to a general appropriation bill to prove the language offered under the guise of a limitation does not in fact change existing law (CONGRESSIONAL RECORD, pp 18666–7, June 16, 1976), or impose additional duties on Federal officials, not required by law (CONGRESSIONAL RECORD, May 28, 1968, p 15350), or implicitly requires Federal officials to make judgments and determinations not otherwise required of them by law (CONGRESSIONAL RECORD, July 31, 1969, pp 21653, 21675). It is submitted that even an implicit restriction on authority to incur obligations otherwise included in an existing contract is legislative in nature and not a limitation on funds (July 13, 1987, CONGRESSIONAL RECORD, p 19507).

Section 508(b)(1) of the Federal Crop Insurance Act requires the Federal Crop Insurance Corporation to offer a catastrophic risk protection plan to indemnify producers for crop loss due to loss of yield or prevented planting and such coverage is provided for tobacco.

Section 508(b)(5) of the Federal Crop Insurance Act provides that producers shall pay a fee for such catastrophic coverage and section 508(b)(7) provides that to be eligible for price support and a number of other benefits from USDA the ''producers must obtain at least the catastrophic level of insurance for each crop'' grown on the farm (with certain exceptions for minor crops not applicable here).

What is mandated in the Federal Crop Insurance Act, that is, catastrophic insurance coverage, whether obtained from a Federal Agency in the field (a county office of USDA) or a private insurer under an agreement for sale from the Federal Crop Insurance Corporation is not only limited by this amendment, but is effectively denied to producers. The provisions of Public Law 103–354 (the Federal Crop Insurance Reform Act of 1994) would be suspended by the Amendment, at least for the period of the 1996 fiscal year, for catastrophic as well as ''buy-up'' coverage of insurance.

Moreover, the Secretary of Agriculture and the Board of Directors and the manager of the Federal Crop Insurance Corporation [FCIC] would have added duties of changing their regulations, changing their contracts with their insured producers many of whom are automatically renewed through a continuing contract and whose contracts would have to be cancelled by the Secretary, an additional duty. They must also change their reinsurance agreements with private insurance companies who serve as agents for the Government in offering catastrophic and buy up insurance coverage under existing agreements that would have to be amended. The reason for the latter is that, the agreements between the FCIC and the private insurers are normally multiyear, but for fiscal year 1996 because there is an element of Government funds, over and above the premium, involved in the catastrophic and buyup coverage in crop insurance, some action would have to be taken by the Secretary or the manager of the FCIC to change the insurance company agreement. There would also be costs involving advertising notices to producers, banks, and other lending institutions about the proposed change to cancel coverage. Other ''wind-down'' costs involving cancelled coverage in 1996, as well as the duties and costs involved in reinstituting notices and regulations concerning coverage availability in fiscal year 1997. Heretofore, because tobacco was covered by general notices on major crop coverage there would be a need for notices to banks and institutions offering credit and to tobacco producers when the coverage would be terminated in 1996 and the reinstituted for 1997 tobacco crops.

Finally, it is submitted that if the Amendment were adopted that it could have the effect of denying conventional crop insurance coverage for tobacco, but make tobacco producers eligible for the Noninsured Crop Disaster Assistance Program (NAP) of section 519 of the Federal Crop Insurance Act (7 U.S.C. 1519). This program provides disaster assistance, without insurance premiums being paid, mainly where catastrophic coverage is not available. I note that crops specifically included

are Christmas trees, turf grass and industrial crops. However because there could be added cost to the Government of $17 million in FY 1996 according to USDA if such coverage was given for tobacco crops if this Amendment were to be adopted, that possibility should be considered in the ruling on this Amendment as a violation of section 602 of the Budget Act.

Also, Mr. Chairman I point to the colloquy last night between Chairman ROBERTS of the Agriculture Committee and other members when he urged them to take up matters such as this in the farm bill and not try to change the appropriations bill into a farm bill. He stated he would work with them in such an undertaking.

The CHAIRMAN. Is there further discussion on the point of order?

Mr. DURBIN. Mr. Chairman, the amendment which I have offered neither changes the law nor imposes any new duties on any Federal employee. Under the rules of the House, the House is free to specify what is not to be funded in a bill. The House may decline to fund specific activities under rule XXI. This is a strict limitation and totally within the four corners of the existing rules and limitation amendments which have been allowed time and again.

Mr. EWING. Mr. Chairman, I believe that I have answered those remarks by the gentleman from Illinois [Mr. DURBIN] and I would insist on my point of order.

The CHAIRMAN. The gentleman does insist on his point of order, and the Chair is prepared to rule.

The gentleman from Illinois [Mr. EWING] makes the point of order that the amendment offered by the gentleman from Illinois violates clause 2 of rule XXI by legislating on a general appropriation bill.

The amendment of the gentleman from Illinois [Mr. DURBIN] is in the form of a limitation. It prohibits funds in the bill from being used to carry out, or pay the salaries of personnel who carry out, certain tobacco programs, including crop insurance for tobacco.

The precedent cited by the gentleman from Illinois [Mr. EWING] (July 13, 1987, which appears in the CONGRESSIONAL RECORD at p. 19507) is distinguishable. The language ruled out on that occasion was a proviso in a paragraph of a general appropriation bill proscribing the incurring of obligations for certain facilities that was not in the form of a proper limitation on funds in the bill.

The amendment offered by the gentleman from Illinois [Mr. DURBIN] however, is in the form of a straight limitation. It is a negative restriction on the availability of funds in a general appropriation bill that merely restricts the availability of funds and refrains from prescribing duties or requiring determinations of governmental officials. A straight limitation on funds is not considered as changing existing law but as merely constricting the range of objects to which the accompanying appropriation may be put.

Accordingly, the Chair overrules the point of order under clause 2 of rule XXI.

Mr. DURBIN. Mr. Chairman, I want to salute my colleagues who have joined me in offering this amendment. The gentleman from Utah [Mr. HANSEN] and the gentlewoman from Washington [Mrs. SMITH] have been kind enough to join me in this bipartisan effort. This is an important and perhaps historic debate on the floor of the U.S. House of Representatives. We will decide tonight in no small measure whether Uncle Sam is going to get out of the tobacco business.

Let me tell my colleagues what ever Member of Congress in this Chamber has faced and what I have faced many times throughout my career in town meetings where ordinary Americans asked a very difficult question. ''Congressman,'' they say, ''if the Federal Government tells us that tobacco kills you and is dangerous for you, why in God's name do the Federal taxpayers have to subsidize the growth of this tobacco?''

And time and again my colleagues on the floor here will answer, ''Well, perhaps it is not such a good idea; we ought to do something about it.'' Tonight my colleagues have a chance to do something about it because tonight this amendment addresses two specific areas of spending on the Federal tobacco program, mainly the Extension Service and the crop insurance program.

Mr. Chairman, I wish it were within my legislative power to completely abolish the tobacco programs at the Federal level tonight with this amendment, but, because of budgetary constraints, I cannot. What I will attempt to do with this amendment is to address two large parts and very serious parts of our Federal tobacco program, and I hope in so doing to not only demonstrate why this is good philosophically, but good from a budgetary viewpoint.

First and foremost, the tobacco growers and their supporters on the floor will tell us time and again until they are blue in the face that the tobacco program does not cost the taxpayers anything. My colleagues will hear that tonight at least a dozen times and believe each time they have heard it that it is not true. The tobacco program costs American taxpayers each year $42 million, $42 million of Federal tax money going to support an industry that generates $40 billion a year in sales, 40 billion. These are not mom-and-pop pauper operations. These are huge tobacco companies working in many instances with huge tobacco growers, and we still subsidize their effort.

The amendment which I have introduced addresses the Extension Service. We have men and women in the Extension Service traveling across the country giving advice to growers and farmers as to the best way to grow their crop. What we are saying is get them out of the tobacco business. They can advise people who are growing crops that are good for us how to grow those crops more efficiently, but tobacco, tobacco is the only subsidized crop by the Federal Government which, when used according to manufacturers' directions, will kill us. It is not an ordinary agricultural crop. It is a killer, and each year it is the No. 1 preventable cause of death in America. We cannot say that about cotton, or corn, or wheat, sugar beets, or any other commodity that the Department of Agriculture deals with.

The second area is crop insurance. Those who grow tobacco buy insurance in the likelihood or in the circumstance where their crop might be endangered because of floods or drought, whatever it happens to be. They pay a premium, but the premium does not cover the cost of the program. In other words, when they get paid back, they receive more back from the Government than they paid in premium. The difference is paid for by America's taxpayers, and that unfortunately adds again to the cost that we pay each year to the tune of about $23 million.

Today's debate is not about whether small tobacco farmers will survive. One acre of tobacco can generate 2,000 pounds of product a year, currently selling, I understand, for about $1.80 a pound; in other words, $3,600 gross. Now it is much more labor-intensive than most other crops, but a person with 1 acre of tobacco under cultivation can expect to make several thousand dollars from that 1 acre. In my part of the world where we grow corn, if someone can net $200 an acre from growing corn, they are lucky. If someone is a tobacco grower under the program, we are talking in terms of several thousand dollars.

The program continues, the tobacco allotment program will continue, those profits will continue for those families. They can afford to buy their own crop insurance.

The issue here is should the Federal Government use taxpayers' dollars to subsidize this crop. I will tell my colleagues I would like to have every Member of Congress tonight to have an opportunity the next time that a town meeting comes up to say, ''Yes, I cast a ''yes'' vote for the Durbin-Hansen-Smith amendment to make it clear that Uncle Sam ought to get out of the tobacco business. We have no business subsidizing the growth, production, and processing of a product which kills hundreds of thousands of Americans each year.''

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

□ 1945

Mr. ROGERS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise to speak against the amendment. Let us be clear what

the Durbin amendment does. This amendment does not reduce spending in this appropriations bill. Read it for yourself. We will not cut a penny in this bill. What the amendment does do though is discriminate against the small farmers in the tobacco growing regions of this country in favor of large corporate growers.

Let us be sure what we are doing here. You are giving the big advantage to the big corporate growers, and you are cutting out the very small one acre plot growers. That is who you are hurting, I would say to the gentleman from Illinois [Mr. DURBIN]. That is who this amendment hits. Whether the gentleman is aiming there or not, that is where it hits. They will be denied basic assistance available to any other farmer, particularly the big farmers.

The corn farmer in the gentleman's district is welcome to get help from the extension agent, thank you very much. But my farmer is told, ''No, we don't like what you grow, we are going to refuse to help you.'' It says to my farmers, ''Even though Federal law requires you to participate in the crop insurance program, we are prohibiting you from doing so,'' forcing that small family farmer to break the law that this Congress wrote.

The intent of this amendment, as the gentleman said, is to get people to quit smoking. Well, let me explain to Members how this thing works. The gentleman from Illinois [Mr. DURBIN] does not understand that the tobacco allotment program holds down production of tobacco. If you lift that program, the big, huge corporate growers are going to grow tobacco like it is going out of style. They will import tobacco from all over the world. People are going to smoke cigarettes, it will be foreign tobacco or big producer tobacco, and the cigarette prices will plummet, and you will see a rash of smoking increases. The tobacco control growth program holds down the production of tobacco, propping up the price of cigarettes. You remove that, and cigarettes go dirt cheap.

Mr. Chairman, I ask you, is that what you really want? While you promote smoking, you are killing off the small growers in the country in favor of the large corporate growers. I urge Members, reject Durbin.

Mr. DURBIN. Mr. Chairman, I yield 3 minutes to the gentleman from Utah [Mr. HANSEN], a cosponsor of the amendment.

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

Mr. HANSEN. Mr. Chairman, let me point out to Members that this amendment we are working on does not hurt the family farmer. They still have access to tobacco price support programs and their crops will still be in demand. Furthermore, tobacco is a very lucrative business and I am sure they can afford to stay in this business.

Let me tell you about a man who is my neighbor, Dr. Chuck Edwards. Chuck Edwards is the foremost expert in the West in taking care of people who have cancer of the jaw and the larynx. You ought to see that. I wish Dr. Edwards was here and everybody in this House was forced to look at this, and everybody in America, because what he does is he shows these films. He takes their face off and puts it up over their head, and then he goes into that area and he cuts off their jaw, and then he puts a hole in their trachea, and that is how they breathe.

He talks about all these young people who take this little round can they keep in their back pocket, and take it like this and stuff it down in their mouth. He says, ''There is 100 percent chance, if they live to the age of 60, we will take their jaw.''

Who in their right mind can tell me, what doctor will stand up and say that this is not one of the greatest killers there is in America today? And we subsidize it. This is a Kevorkian budget subsidy if I have ever seen one.

We find ourselves in the position where we talk about 350,000 people that went up in smoke in a mushroom cloud in the days of Hiroshima and Nagasaki. Now we kill 400,000 of them, and this group, this Congress, supports it. It is unbelievable to me that Congress will take it upon themselves to support this kind of thing.

I do not worry about my friends here that smoke. That is fine. Go ahead. We are old guys. We are going to die anyway. I am worried about that kid, that teenager. Do not tell me the Marlboro man and Joe Camel is there to try to get him to change from one to another. That is there for one reason and one reason only, and that is to get youngsters to smoke. There is a 31 percent increase in 2 years of 8th graders, 31 percent increase, that are now smoking.

I would suggest that Members read this month's issue of Reader's Digest. It talks about a tobacco lobbyist. It talks about all the money he received to walk around here and convince you and convince me that we are supposed to do everything in our power to keep this subsidy on.

This is the time that America can make a difference. This is a time to do something for the American people. I urge Members to support the Durbin-Hansen-Smith amendment.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. HEFNER].

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

Mr. HEFNER. Mr. Chairman, that is a kind of tough act to follow. This the first time you have heard there is no subsidy for tobacco, and if this amendment passes, not one person, not one person is going to stop smoking. It has nothing to do with people stopping smoking, and it is not going to affect the argument that the gentleman made.

Let me tell you who it is going to hurt. It is this small farmer who averages about three acres. People in North Carolina are already telling me they are losing two-thirds of their crops this year, and if they do not have insurance, they are broke. They cannot go diversify. They cannot go and become some other kind of farmer. They cannot go to Illinois and rent some land and grow corn on three acres. You cannot make enough money growing corn on three acres.

This is not going to stop one individual in this country of ours from beginning to smoke, or quit if they already smoke. But what it is going to do, it is going to hurt that small farmer, that is trying to send his kids to school, to get them through school and get them through one of our universities where they can go out, get some training, and get a better job. They are trying to raise their families. They made commitments. They cannot diversify.

Mr. Chairman, this is not a health amendment, this is an economic amendment. You are not going to stop one individual in the United States of America from smoking because of the Durbin amendment. What you are going to do is you are going to penalize this small farmer that is up to his ears in debt, he has obligated his farm, and he is trying to make it from year to year. That is who you are going to devastate, and that is who we are not here to devastate, is the small farmer.

I would urge Members, when you consider your vote, consider that small farmer and his family that is trying to make a living. He and the wife both work and the children work, and it is a legal product, and it was $5.8 billion that came into the economy of this country last year because of tobacco. It is legal. Vote against the Durbin amendment.

Mr. DURBIN. Mr. Chairman, I yield two minutes to the cosponsor of the amendment, the gentlewoman from the State of Washington [Mrs. SMITH].

(Mrs. SMITH of Washington asked and was given permission to revise and extend her remarks.)

Mrs. SMITH of Washington. Mr. Chairman, I first want to thank the gentleman from Illinois [Mr. DURBIN] and the gentleman from Utah [Mr. HANSEN] for having the courage. I found out over the last couple of days it takes courage to go up against the tobacco industry. You not only get a lot of calls to your office, you get a lot of pressure.

This amendment will not just save $23 million, but it is the right thing to do. On my desk each day I read in front of me, it is a quote from Abraham Lincoln, and it says ''I am not bound to win, but I am bound to be true. I am not bound to succeed, but I am bound to live up to what light I have. I must stand with anybody that stands right and part with him when he goes wrong. Abraham Lincoln.''

I am parting with you who are supporting the tobacco industry because I think you are wrong. I have to tell you that when I go into my home area one

of the top issues that they ask me is, Linda, in downsizing government, have you got rid of that tobacco subsidy yet? And I said no, but I am going to do it. I just did not realize how bad it would be.

I want to tell you clearly this is a subsidy. Some say when the government pays for your insurance it is not a subsidy. Some say when they pay for the extension agents to help you grow a better crop to market to our children, it is not a subsidy. But when I tell you the bottom line is $23 million spent from your taxes, folks, you in this room and the other folks out there in America, I have to tell you, it is $23 million, and they should be giving us money.

My mother died younger than I am of cancer. I had a friend die over the weekend of cancer, a young man, a pack-a-day smoker. There is no justification for subsidizing tobacco. Teach them to grow another crop. It is a lucrative crop, but they can grow another crop. I am not saying right now they cannot grow the crop. I am just saying, do not spend the taxpayers' money. Please folks, do what is right. Do not do what the tobacco industry wants.

They were prowling the halls here yesterday and the day before. Ignore them and do what is right and vote against the tobacco subsidy and for this amendment.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from western Kentucky [Mr. WHITEFIELD] to explain that there is no tobacco subsidy anymore.

Mr. WHITFIELD. Mr. Chairman, there has been a lot of discussion this evening about the tobacco industry, and when you talk about the tobacco industry, what you are talking about is 126,000 small farmers around this country who have grown tobacco legally in America since really the founding of this country in Jamestown.

Really what this amendment is about, this administration has made a conscious effort to try to destroy the tobacco industry. It is a legal crop and there are many things in our society that we do not like. We do not like to see bad things happen to children or women or anybody else.

My mother-in-law, for example, smoked until she was 94 years old, and we know that smoking does cause cancer in some instances, and other times it does not cause cancer. But it is an individual decision. It is not something that the Government should be dictating.

This amendment, this Durbin amendment, is a discriminatory amendment against small tobacco farmers who have the right to grow a legal crop, and I think it would be a serious mistake to adopt the amendment, and I urge its defeat.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. BISHOP].

Mr. BISHOP. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to the Durbin amendment. It would devastate the economy of key Southern States like Georgia. Tobacco growers would be only farmers who will be punished. This is a punitive effort.

Since the Depression, we have been denied access to government research, to education, and to extension services for a legal crop. We are not talking about growing marijuana here. We are talking about a legal crop. And it is an administrative nightmare that is about to be created here. It is misguided.

What the amendment says with regard to extension agents' salaries is that the salaries will not be paid if they provide any services to help tobacco growers. But what about the people in those counties that do not grow tobacco? Their salaries would be cut, so they cannot even help the ones who grow corn.

That does not make any sense. This amendment is misguided, it is punitive, it is a slap in the face to southern States. It is a slap in the face of farmers, small family farmers, who work hard. Why shouldn't they have crop insurance if they grow a legal product? Why should they not be able to help support their families and the economy of this Nation?

Nine thousand farmers in my State of Georgia make their living growing tobacco. Twenty-eight thousand warehouses, other in the retail industry. Overall, the tobacco industry contributes to the economy of Georgia thousands and thousands and thousands of dollars for a legal product.

I submit to you that the amendment is misguided, it is an administrative nightmare, it will punish the growers of crops that are non-tobacco crops in counties where they do grow tobacco. It just makes absolutely no sense. It is a case that reminds me of the years of prohibition.

The CHAIRMAN. The gentleman from Kentucky [Mr. ROGERS] has 23 minutes remaining, and the gentleman from Illinois [Mr. DURBIN] has 20 minutes remaining.

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Mr. DURBIN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. WAXMAN].

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

Mr. WAXMAN. Mr. Chairman, this is the kind of debate that mystifies the American people. The Federal Government and every medical expert in this country has told us that cigarette smoking is the leading cause of preventable death. On tonight's news, we heard that young people are starting to smoke again in large numbers. That is a public health menace.

So on the one hand, we are telling people not to smoke, and on the other hand, we are subsidizing the tobacco industry. What kind of signal is this to the American people? What kind of signal is it to our children? How are we going to explain to people that we are going to cut back on school lunches, we are going to cut back on programs for poor people and the elderly, but we are going to continue subsidizing the tobacco farmers?

We do not dictate whether a person smokes or not. That is an individual decision. But it ought not to be sudsidized by the American people in any way, shape or form.

This amendment is a small step. There are other subsidizations that we have through the tax deductions that the tobacco companies take in order to promote their product, and there is no product for which more money is spent to promote than tobacco itself, something like $3-, $4-, $5-billion a year.

They are making an enormous amount of profit from the disease and death of people who are their customers. I believe they are enlisting kids to become smokers to replace those that are dying off.

Do not subsidize it with taxpayers' funds. I urge adoption of the Durbin amendment.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. BURR].

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

Mr. BURR. Mr. Chairman, in fact, we are here tonight and I rise in opposition to an amendment that does need exploring. The truth is that we are here to talk about an amendment that will, in fact, eliminate crop insurance to one small segment of our agricultural industry, tobacco, while corn, wheat and everything else continues to receive that special privilege.

We say to an extension agent, you can go to a farm and you can talk about other agricultural products. You can even discuss the grass in that farmer's front yard. But if he asks you about tobacco, by law, Congress says you cannot talk to him about it. It does seem a little strange, and it does not make a lot of sense.

The authors of this amendment are not trying to balance the budget. They are not even trying to streamline the Department of Agriculture. They want to kill a crop. They want to kill tobacco.

Will they kill the family farm? Absolutely. Do they care? Absolutely not. Farmers are trying daily to survive, to pay their mortgage, to educate their children, to contribute to their community. But they do not care.

I would say one thing to the authors of this bill. If you want to kill tobacco, then introduce a bill. Be brave enough to ask for what you want. Do not hide behind something that kills people who do not have a voice in it, the small farmers in this country.

This is exactly the type of legislation, Mr. Chairman, that in fact the American people are sick of and I as a Member of Congress am sick of it. Do what is right. Defeat the Durbin amendment.

Mr. DURBIN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Utah [Mrs. WALDHOLTZ].

Mrs. WALDHOLTZ. Mr. Chairman, the discussion tonight is not about whether this is a legal crop. It is. This is not about trying to drive farmers out of business. We are not trying to take anyone's livelihood away from them.

The question tonight is about whether the Government of the United States is going to encourage behavior that we know kills people.

Mr. Chairman, we are talking in this Congress about how to preserve and protect Medicare. We are tearing our hair out to figure out how we can preserve those benefits for people for the coming generations. Yet, it has been estimated that over the next 20 years we will spend $800 billion on Medicare patients who need treatment for smoking-related illnesses, $800 billion.

It is not just impacting seniors. It is impacting children. Pregnant women who smoke have a 50 percent greater chance of a miscarriage or a low birth weight child. So we are impacting our children. We are impacting our seniors.

The question we have to ask ourselves tonight is why the government of the United States should encourage and subsidize that behavior by paying for people to find out how to grow more tobacco, by paying for crop insurance for tobacco.

Yes, it is a legal activity, but pay for it on your own. The government of the United States should no longer encourage a behavior that harms our children, that harms our seniors, by continuing to pay for this activity.

Those who want to continue to smoke, to use tobacco, to grow tobacco, let them do it on their own. But let us stop paying for it.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. GORDON].

Mr. GORDON. Mr. Chairman, let me first recognize the sincerity of the proponents of this amendment, but let me also say very clearly I rise in opposition to this amendment, and I want to clarify what this amendment is not about.

This amendment is not about smoking, whether juvenile or adult smoking. It has nothing to do with smoking. This amendment is not about deficit reduction. It has nothing to do with deficit reduction.

Every small family farmer pays an assessment on every pound of tobacco that they grow. This amounts to over $30 million a year that goes to the Treasury, so it has nothing to do in any way with deficit reduction.

What it does have something to do with is whether or not small, rural counties and communities in the South can exist. Tobacco is the only crop they can grow in these communities, unlike in Illinois and other communities where they have farms with hundreds of acres, long rows where you get on that tractor, and you drive a half mile and your turn around and you drive back.

You cannot do that in these little communities. These are hilly country, rocky country. About the only thing they can grow is tobacco, and that is why the average tobacco patch is only 3.3 acres. It takes a family. It is squat labor. It is the whole family that gets out and works together to get this crop in and then get it in the barn.

Without the tobacco, it means that there are no grocery stores, because there is no one to buy groceries. There is no filling stations, because there is nobody to buy gas. There is no pharmacies, because there is no one to go to the drugstore.

So make no mistake about it. This amendment is not about deficit reduction. This amendment is not about smoking. It is about allowing small communities in the South to continue to be able to exist and allowing farmers to raise their family and see that they are able to improve their life, just like everyone here wants to see their family's life improved.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. EWING], chairman of the Subcommittee on Risk Management and Speciality Crops.

Mr. EWING. Mr. Chairman, I thank the gentleman for allowing me to speak out on this.

I wish that my colleague from Illinois would have introduced a bill, if he really wanted to get smoking, to make it illegal. I am a reformed smoker, and I understand that. I do not encourage it.

But what you are doing here, you are not affecting the program at all. You are just twiddling with it around the edge. You are doing things to a program that provides income to the American Treasury, that provides export and helps us with our balance of trade.

My colleagues, go to Kentucky, go to Georgia, go to North Carolina and see how these people live and see if the Durbin amendment is not affecting the lives of small people. It is.

If you want to make tobacco illegal, do it. Try and do it up front. But do not twick around the edge. That is not fair to the people you are messing with, and it certainly is not fair to this Congress.

Mr. DURBIN. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. VISCLOSKY].

Mr. VISCLOSKY. Mr. Chairman, I rise in strong support of the Durbin-Hansen-Smith amendment.

I would like to address three sets of people here: children, farmers, and tobacco companies.

The gentleman from Utah [Mr. HANSEN] in his remarks earlier said that smoking among eighth graders has increased 30 percent in the last 3 years. As the gentleman from Illinois [Mr. DURBIN] asked rhetorically several years ago, would any of you be happy if your eighth grader came home tomorrow and said, dad, mom, I started smoking today? Would you be happy if that happened?

We talked about a lot of farmers here today. We ought to talk about a lot of kids and the $6 billion that the tobacco companies spend every year on promotion and advertising to get these kids addicted.

Second, I represent a district that lost 38,000 jobs, count them, between 1977 and 1987, and I am very sympathetic with the problem that the tobacco farmers are having. But I find it very interesting that the tobacco companies do not care. If they care, we, 2 years ago, would not have had to enact a limitation on imported tobacco coming into this country because so much of the tobacco that the companies use was from other countries, not from those poor farmers who are losing their jobs who they trot out in front of them to take that first volley of fire, because they have no place to hide.

Finally, the issue of saving $23 million, that is still a lot of money from where I come from, and if you want to protect those farmers, if you want to give them insurance, let the tobacco companies take some of their $6 billion in profits and spend $23 billion to help those farmers insure their tobacco so they can continue to grow it in safety.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky [Mr. BAESLER], the only tobacco farmer in the House of Representatives.

Mr. BAESLER. Mr. Chairman, I think we have had a lot of discussion about what this amendment is not.

Being a tobacco farmer, this year in June we are all in Kentucky putting out tobacco and working with it. What this amendment tells me as a tobacco farmer and all of the other farmers in Kentucky and North Carolina, if I have a disease in my crop this summer, if I have something going wrong in my field, I cannot go ask the county extension agent what the problem is.

It also tells me later on when that disease, blue mole or black shag, takes all of my crop, that I am not entitled to Federal crop insurance to help pay for that disaster. If the Ohio River floods, on one side we might be in Illinois, those farmers can acquire Federal crop insurance to take care of them. A tobacco farmer from Kentucky cannot.

This is not about health. This is about fairness. We are going to tell one group of farmers in the United States who pay their taxes, tobacco generates $12 billion a year to the United States, States and local governments. We are going to tell one group of farmers, you are not deserving to go to the extension service to get help. Every other farmer in the United States is, but you cannot.

We are going to tell that same group of farmers, if the Durbin amendment passes, you cannot have Federal crop insurance to protect your investment.

You folks do not know the first thing about the profitability of tobacco. I

have heard three people here talk about the profitability who are basically ignorant about the profitability of tobacco.

So it is a question of fairness. It is not a question of health. It is a question of fairness. Tell these farmers they are not as deserving as all of the other farmers, and continue [Mr. DURBIN], continue, the gentlewoman from Washington [Mrs. SMITH], continue to take the money from these farmers and what they generate throughout this country, but do not let them participate like the other farmers.

Mr. DURBIN. Mr. Chairman, I yield 2 minutes to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, we have heard numerous times, maybe 50 times in the course of all of these amendments, that we want to send somebody a message. It is stated in a variety of ways, generally dealing with small amounts of money in some way or another. I think we send the most confused message possible with respect to our tobacco policies in the United States of America.

We indeed have support systems for crop insurance, for extension and for various other aspects, but it would indicate in that way that we bless the growing and the selling of tobacco and the Federal Government is a part of it.

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On the other hand, we condemn it. The Surgeon General condemns it, we have studies which have condemned it, we have proclamations which do so. We do know a few things. We know tobacco is very deadly, that it can create great mischief in our society, but we know there are huge costs attached to this well beyond the $23 million we are talking about here tonight.

We have other costs. When we look at Medicare, Medicaid, we look at lost productive time in our economy, there are all manner of ways in which we can measure the cost in terms of what has happened with tobacco.

We know our children suffer because of tobacco. I did not even know what Joe Camel was. I thought it was sort of a joke when I heard about it. Then somebody pointed out to me that it was appealing to children, and was a very serious problem in terms of tobacco is concerned.

I believe even if the Federal Government removes itself from the ring, the big tobacco companies will probably move in and help out with the small farmers. I do not think there will be any loss there. I think at that point the Federal Government will be sending one clear message to everybody in the United States of America, and that is that we are not going to be involved in tobacco; that if you are going to smoke, smoke with great caution; that we can sell the programs of trying to make sure we go out and point out the problems to the people of the United States of America.

It is for this reason that I support the Durbin-Hansen-Smith amendment. I hope that all of us would, and all of us would realize the problems caused by tobacco. Tonight we can start to make the changes in this country that will be in the best interests of all of us.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. JONES].

Mr. JONES. Mr. Chairman, I rise tonight in opposition to the Durbin amendment. The denial of extension services and Federal crop insurance will destroy the family farmer and the economy of rural America. In my State of North Carolina alone, the production of tobacco employs approximately 260,000 people; more specifically, one in 12 people have a tobacco-related job.

Every year the Federal Government counts on $25.9 billion in tobacco-related revenues, compared to the approximately $16 million in costs to USDA to administer the program, quite a return for the Federal Government.

Mr. Chairman, I would like to ask my fellow Members, who will shoulder the revenue loss? The taxpayer? I think not. In this time of budget cuts, we need to think twice before attacking the very heart of an industry that gives back so much to this country. Mr. Chairman, I ask Members to vote no on the Durbin amendment.

Mr. DURBIN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

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

Mr. Chairman, I rise in support of the Durbin-Hansen-Smith Amendment. This amendment would save $23 million by eliminating Federal funding for tobacco extension services, and crop insurance.

Under the Durbin proposal, debate on the future of the tobacco price support program is deferred to the Farm Bill. However, there are other tobacco-related activities that are costing the taxpayers money. Administrative costs to run the price support program and related crop insurance, as well as marketing costs to promote the auction sales and production of tobacco are subsidies that keep the red ink flowing.

The tobacco industry makes large profits on their products. As a matter of fact, 68 cents of each dollar that is spent by consumers on tobacco products goes to manufacturers and distributors. Only 3 cents goes to the growers. Manufacturers are turning their sights overseas, while the number of tobacco farms and manufacturing jobs have dropped. Ironically, the policies set forth by Congress to help the small family tobacco farmer are actually benefiting the tobacco industry. I believe that we will be able to address the plight of the small family farmer when the House debates the 1995 farm bill.

The amendment before us is merely an extension of legislative actions taken by past Congresses. In 1994, the Agriculture appropriations bill extended the prohibition on tobacco assistance to the Agriculture Department's research programs. This amendment extends the prohibition to crop insurance and extension services.

It is time for the Federal Government to get out of the tobacco business. I urge my colleagues to seize the opportunity to move one more step toward accomplishing that goal by supporting the Durbin-Hansen-Smith amendment.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. PAYNE].

Mr. PAYNE of Virginia. Mr. Chairman, I rise in strong opposition to the Durbin-Hansen-Smith amendment. This misguided amendment will not allow small tobacco farmers to call upon the guidance of their USDA agent about some important environmental concerns, such as how to distribute fertilizer without causing damage to soil or water, or how to apply insecticide safely and properly, or how to combat agricultural plagues, such as blue mold and target spot. These are matters important to our environment. It would also strip away from the tobacco farmer his ability to purchase crop insurance, like all other farmers can do.

Mr. Chairman, this amendment is a direct assault on the hardworking men and women, farmers who grow tobacco in my district and in the southern part of the United States. Even worse, some would have us believe that this amendment eliminates the Federal Government subsidy to tobacco-related programs.

Let me set the record straight. There is no direct government subsidy for tobacco. The gentleman from Kentucky [Mr. ROGERS] has already spoken to that. Furthermore, and I think importantly, tobacco's importance to our Federal, State, and local government can be summed up in one figure. That figure is $62,300. Sixty-two thousand dollars is the amount of money per acre that tobacco generates for the public sector. This is money that flows into the general revenue of the U.S. Treasury and that of many of our States, to be used for discretionary spending on such things as agricultural programs.

I believe these numbers in fact speak for themselves. The Federal Government does not subsidize the tobacco program. Tobacco does contribute very positively to the U.S. Treasury. However, this amendment would allow any farmer in the Nation to utilize USDA services, except our tobacco growers. This amendment would allow any farmer in the United States to participate in Federal crop insurance, except tobacco growers. Do not be fooled by this amendment. It is not about smoking, it is blatant discrimination against small tobacco farmers. Vote against this amendment.

Mr. DURBIN. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Chairman, I rise in support of Durbin-Hansen-Smith

amendment, to finally end the $23 million giveaway to the tobacco industry. Each year 420,000 people die from tobacco-related illnesses, which makes it the leading cause of preventable death in the United States today. Each day 3,000 kids pick up their first tobacco product. According to the FDA's diagnosis, they become inflicted with a pediatric disease. This epidemic costs our Nation's economy over $100 billion in health care and lost productivity. How can we give one cent of taxpayer money to support this industry?

The tobacco industry spends billions, not $23 million, Mr. Chairman, but billions of dollars in advertising and marketing to entice children. An industry that snares 3,000 new customers a day into a lifelong addiction does not need our help. Already Joe Camel is more recognizable to 5-year-olds than Ronald McDonald. We should be debating how to regulate and restrict this industry, not how to support it.

Not only does the tobacco industry target children, it has the distinction of not being truthful to the Congress, to numerous Federal agencies, and to the American people. How many times have we heard that the tobacco industry does not market to children, that nicotine is not addictive, or that the level of nicotine is not manipulated by tobacco companies?

Mr. Chairman, the tobacco industry has not been telling the truth. The American Medical Association knows that they are lying. The FDA knows that they are lying. The American people know that they are lying. According to their own internal documents, the tobacco industry knows that they have consistently misrepresented the truth. When are we, my colleagues, going to learn?

Usually when I rise in favor of eliminating programs, I like to point out that in order to balance the budget, difficult choices need to be made, and that as conscientious legislators, we have to balance the good programs and what they achieve with their cost to the American taxpayers. Not today, not with tobacco, not with this amendment. The Durbin-Hansen-Smith amendment is an easy choice. We must pass this amendment tonight.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. MEEHAN. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I would ask the gentleman, does he realize that the amendment that is being offered by the gentleman from Illinois [Mr. DURBIN] is being directed at the small tobacco growers, not Phillip Morris? They would benefit. They would be allowed to grow tobacco by the tons of acres. It is the small farmers that are being hurt by this amendment, does the gentleman realize that?

Mr. MEEHAN. I am well aware of it. That is a $23 million giveaway long, long overdue. I think it is time we turn around and give the American taxpayer a break and give the American public a break.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. CHAMBLISS].

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

Mr. CHAMBLISS. Mr. Chairman, I urge my colleagues to oppose what I call ''the harass the tobacco farmer'' amendment to the agriculture appropriations bill. Having lived in Georgia's farm belt all my adult life, I understand farm programs. I live in the most diversified agricultural county east of the Mississippi River. I have had the privilege of working with farmers on a daily basis for the last 26 years. I understand how farm programs work. I understand that there is a big difference in improving farm programs and harassing farm families.

Let me tell the Members what the difference is, why we are talking about corporate farmers versus small farmers. A corporate farmer does not depend on crop insurance to pay his bills. He does not depend on crop insurance to educate his children or pay his operating loan. The small farmer does.

The corporate farmer does not depend on the extension service agent. The corporate farmer can afford to go to Athens or Tifton or Lexington and hire a specialist to come in and check his field. The small farmer depends on that extension agents who comes to his field and work tireless hours, day and night. If Members do not want to throw a blindsided knockout punch to the family farmer of this country and to the rural district of America, I urge Members to vote ''no'' on the Durbin amendment.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING of Kentucky. Mr. Chairman, I rise in strong opposition to the Durbin amendment. This is a mean-spirited attack on the small farmer throughout the South. The gentleman from Illinois [Mr. DURBIN] does not like smoking, but this amendment will not stop one person from smoking. It will only hurt the small tobacco grower in my district and throughout the South.

The opponents of tobacco always imply that we should not pay farmers to grow tobacco. We do not. Let me repeat that, the Federal Government does not pay subsidies to farmers to grow tobacco. The government only pays for the administrative cost of the tobacco program, which the farmers pay back to the government. Over $20 billion in Federal, State and local taxes are paid by the tobacco companies annually into the Treasury of Kentucky and the United States of America.

Sure, our government also offers some of the same programs, like crop insurance and extension service, to tobacco farmers, but we should offer them the same services that the other farmers receive. We need that help with out small tobacco farmer. We have to have the same help that the farmers of the gentleman from Illinois [Mr. DURBIN] have in Illinois from our extension service, so we know how to do it better in Kentucky. Remember, it is a legal commodity. They are not outlaws, our small farmers.

This bill will do not one thing, I say to the gentlewoman from Washington [Mrs. SMITH] and the gentleman from Utah [Mr. HANSEN], to prevent smoking. It will not only hurt the big tobacco companies, it will not decrease the deficit, it will only treat the small farmers of America like criminals.

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It is bad policy. It is unfair. It is wrong to do it, and I urge the defeat of the Durbin amendment.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, this debate is neither about the morality of smoking nor the mortality of tobacco. This amendment offered by my colleague, the gentleman from Illinois [Mr. DURBIN] who I respect, does not either address the value or disvalue of smoking, although I respect his position. In fact, I am one who does not advocate smoking; in fact, fear that smoking is a health problem.

Mr. Chairman, this is misdirected. This is misdirected to achieve a noble goal, a noble goal to say to people they should not smoke because smoking is bad for your health. It is an adult election. Certainly we do not want to encourage tobacco companies, to make sure they advocate smoking for children, at least this Member does not.

The Durbin amendment does neither of these issues, address health value, nor does it raise the opportunity for people to cease smoking. It actually will hurt our Nation's farmers. You have heard that over again.

Mr. Chairman, in my district, I have more flue-cured tobacco grown in my district than any other part of this country, and I expect you naturally to say that, EVA CLAYTON, because you are from North Carolina. Yes, I am from North Carolina and I know that my farmers are not the villains. They are, indeed, the victims.

They are people who often tell their boys and girls, ''I teach you to grow it but I teach you not to smoke it.'' They are trying desperately to make a living, a decent living for their life. In fact, many of them wish they did not grow tobacco, but that is their fate in life.

Mr. Chairman, why should we discriminate against those who happen to be growing a legal crop that they will receive no extension service, and when they need crop insurance, they will not receive any crop insurance? This is misguided. It is discriminatory in its application, whether worthy or not.

Mr. Chairman, I urge defeat of the Durbin amendment.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. PETERSON].

Mr. PETERSON of Florida. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr.Chairman, I rise in strong opposition to the Durbin amendment. I understand the gentleman's objectives, but I think he misses the mark. What happens here is we are not going to reduce the consumption of tobacco. We are going to reduce perhaps production.What does that do? It ruins the economy of many southern States and communities, and it ruins millions of small farmers.

Mr. Chairman, it is wrong to hold our tobacco farmers responsible for the consumption of tobacco products, just as it would be irresponsible to hold grain farmers responsible for the local drunk.

Ladies and gentlemen, we have the wrong target. We are hurting the wrong people. We are going at this in the wrong way. This is the wrong place with the wrong amendment.

Mr.Chairman, I urge strong opposition to this amendment and ask you to vote against it tonight.

Mr. ROGERS. Mr. Chairman, I yield 1 minute, Mr. Chairman, to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Chairman, I rise in opposition to this amendment and I do so because there are really two issues here. One is economic and one is philosophical. Economically the gentleman from Illinois [Mr. Durbin] is telling us that this is going to save $23 million, then $10.6 million, when, in fact, the USDA estimates that this will cost $5.4 million.

Let us not fool ourselves. This is not saving money. It is not directed to save money. What it really is is philosophical. And philosophically, the gentleman from Illinois feels passionately against tobacco and I understand that, but I would say to him that this is authorizing; it is not appropriating.

I do not understand why we do not have legislation introduced. We are seven months into Congress. I do not think any of the three authors of this amendment have authored legislation so that we could have the great tobacco debate in the committees of Congress, and I think that is what we need to do.

Mr. Chairman, we should get this thing over with. There are vehicles to get probably where we want to go, but as it is, when Members take noble aim at the tobacco industry, they only hit the tobacco farmer.

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

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

Ladies and gentlemen of the House, about 8 years ago to the day I stood in this well and offered an amendment. It was an amendment to ban smoking on airplanes. When I offered that amendment, it was opposed by every leader on the House of Representatives floor, Democrat and Republican alike.

I had been around here for 5 years. My staff and my closest friends told me I was crazy to take on the tobacco lobby; they were too big and too powerful and I was not only going to lose, but I was going to be embarrassed in the way that I lost. Eight years ago on this floor, by a margin of five votes, we passed the ban on smoking on airplanes.

The people who spoke that day represented the diversity of the U.S. House of Representatives as those who have spoken this evening in support of this amendment. The gentleman from Utah [Mr. HANSEN], the gentlewoman from Washington [Mrs. SMITH], so many others, represent political points of view far different than my own on most issues. But we have come together on this issue because we find common ground and agreement in a basic understanding and a basic premise.

Mr. Chairman, the premise is the one I began this debate with. Why on God's green Earth, if we tell every American that this crop will kill you, do we, as taxpayers, go on year in and year out subsidizing the growth, production and processing of this product?

I want to commend my colleagues for their fortitude in standing up this evening and speaking on behalf of this amendment. For those who are watching, it may seem like an easy thing to do. Believe me, it is not. They have risked, I am sure, some evil glances from colleagues and perhaps more. Some of them have decided not to come to the floor this evening and I can understand why they did not. This is not an easy issue to deal with.

The tobacco lobby in this town is one of the most powerful and pervasive. They are everywhere. They are undoubtedly watching this and writing down every word to use it against all of us. I thank my colleagues for coming up and supporting this amendment.

Let me tell you about this amendment.

Yes, it is only $23 million out of a $1.5 trillion budget. It could be a lot more money we could be talking about, but it is a significant change that we are talking about here.

If this amendment passes this evening, it will clearly send a signal to the Committee on Agriculture when they write their tobacco program that Members of Congress, Democrats and Republicans alike, have had it with the Federal subsidy of tobacco. When we passed the ban on smoking on airplanes 8 years ago, people said, ''So what? Two-hour flight, so what?'' It ended up triggering a debate across America on secondhand smoke that reached every restaurant and every public building in the last 8 years. You see it when you even walk into this building.

Right behind me, if you want to know what the tradition is in this Chamber, carved on that little podium up there are tobacco leaves. That is right. We have been into tobacco in this place for a long time. Tonight is our chance to break it, for Uncle Sam to finally get off the tobacco habit.

There is a lot at stake here. This is not another farm crop. This is the only crop subsidized by American taxpayers which, when used according to manufacturers' directions, will kill you. It is the only one.

My colleagues who come up here and say treat it like any other farm crop would like to ignore the death and destruction caused to American families every year by this insidious crop. It is time for us once and for all to break the tobacco habit at the Federal level, to put an end to this subsidy. This measure tonight, the Durbin-Hansen-Smith amendment, is a step in that direction.

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

Mr. ROGERS. Mr. Chairman, I yield 1 minute to my colleague the gentleman from Kentucky [Mr. LEWIS].

Mr. LEWIS of Kentucky. Mr. Chairman, this amendment is unrealistic, unnecessary and unfair.

Mr. Chairman, this amendment prevents people who grow tobacco from taking part in the Federal Crop Insurance Program.

But just last year congress passed a bill making the crop insurance program mandatory. Sounds like a catch-22 to me.

The Durbin amendment will hurt small farmers the most. It's the family farmer who depends most on the advice and help of extension services.

It is simply unfair to single out one crop and one type of farmer.

Mr. Chairman, maybe some people think the tobacco farmer has an easy, lucrative life. I'd say those people have never watched folks work in a tobacco patch.

I'll be happy to show them around Kentucky's second district.

First the Clinton health plan, then the FDA, now the Durbin amendment.

All for a crop using a few million dollars worth of assistance that brings in nearly 20 billion in taxes and trade surplus. 20 billion!

I urge my colleagues to vote ''no'' on the Durbin amendment, and call an end to the war on tobacco.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. FUNDERBURK].

Mr. FUNDERBURK. Mr. Chairman, yesterday morning I addressed the opening of the Smithfield, North Carolina tobacco market. I spoke to hundreds of farmers who made their way across my district to sell their crop in rural Johnston County.

These farmers are not the giant tobacco corporations the Clinton administration, the FDA and some in Congress attack. These are small farmers who struggle from year to year just to make ends meet. These are the people who provide the jobs, pay the taxes, and fight our wars.

If you have been on a tobacco farm, you know it is the most backbreaking work in agriculture. This year the small farmers of North Carolina have been hit by twin disasters, bad weather

and President Clinton. Too much rain weakened the crop, too much Clinton and Kessler threaten the industry's survival.

If that were not enough, here comes the Durbin amendment with another kick in the teeth to the 200,000 men, women and children in my State who depend on tobacco for survival. This amendment is bad legislation. It does nothing the authors claim. It punishes no one they want to punish. Vote ''no'' on Durbin.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Kentucky [Mr. WARD].

Mr. WARD. Mr. Chairman, we have heard from the opposition. We have heard from the proponents. What we have heard from the proponents is that only 3 cents of a dollar that is spent on cigarettes goes to the farmer.

But, listen, tonight we are going after that very farmer who gets only 3 cents on the dollar. We are punishing families who grow on average 3 acres of tobacco. To make ends meet, members of that family work day and night on that farm. Tobacco is a very laborious job. But also to make ends meet, they work in factories in my district in Louisville.

Not one bit of tobacco is grown in my congressional district, or just a tiny bit. It is grown around the Commonwealth of Kentucky by people who rely on its income to keep their family farm. Let us not attack the lease of the people who benefit from tobacco in this country. Vote against the Durbin amendment.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. ROSE].

Mr. ROSE. Mr. Chairman, I knew the gentleman from Illinois [Mr. DURBIN] had been too nice all night and all day, that he had a sword in his pocket somewhere, and here it came.

But listen to me carefully, my friends. I have spent 24 years working on this particular crop and this particular problem. If you want to put American farmers out of the tobacco business, support the Durbin amendment.

And if you then want the companies that buy tobacco to smile all the way to the bank, and go to Brazil and buy tobacco for 30 and 40 cents a pound, support the Durbin amendment. If you want the cigarette companies to make more money than they are making tonight and be able to sell cigarettes cheaper to the young people of this country, support the Durbin amendment.

The gentlewoman from North Carolina [Mrs. CLAYTON] said it very well. If you want to take a family, rural, poor, black and white, that has 5 acres of tobacco that can make 2,000 pounds an acre, 5 acres times 2,000 is 10,000 pounds of tobacco.

□ 2045

A poor rural family can supplement their income with $10,000 to $12,000. That is the difference between them staying on the farm or moving into your city and getting on your welfare program. If that is what you want, some more poor people in your cities, vote for the Durbin amendment.

This is incredible, to offer an amendment to deny price support and pesticide advice to farmers and then piously walking around here saying, we are saving the people of this country from the dangers of smoking. You all can do better than that.

Make cigarettes illegal. Go after outlawing cigarettes. I will join you in banning unattended cigarette machines.

Please, vote against the Durbin amendment. Ye know not what you do if ye vote for it.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will remind our guests in the gallery, please, that public demonstrations of either support or opposition are not permitted.

The Chair thanks them very much for their courtesy.

Mr. ROGERS. Mr. Chairman, to close the debate on our side, I yield the remaining time to the gentleman from Ohio [Mr. BOEHNER], the chairman of the Republican Conference.

Mr. BOEHNER. Mr. Chairman, I want to thank my colleague for yielding time to me.

Ladies and gentlemen, we know this amendment that is before us tonight has nothing to do with smoking. It is not even about public policy. It does not even have anything to do with the tobacco program.

What this is tonight, ladies and gentlemen, is about politics, not about policy. This is about big government telling the American people what they can and they cannot do. It is nothing more than harassing small farmers in 23 States in America that have grown tobacco for 300 years. It is another step down the path toward political correctness that some on the left want to continue to advance in this Chamber.

My colleague, tonight let us say no to more, bigger and better government here in Washington. Let us say no to political correctness, and let us say no to the amendment offered by the gentleman from Illinois [Mr. DURBIN].

Ms. FURSE. Mr. Chairman, I rise today in support of the Durbin-Hansen-Smith amendment. I have often spoken of the need for our Government to have the right priorities as we move to balance the budget. Funding tobacco-related programs is more than a bad priority; it is wrong for our Government to directly or indirectly encourage the use of tobacco.

Tobacco use kills over 400,000 people every year in America. What makes these deaths even more tragic is that they are wholly preventable. Uncle Sam must stop simultaneously spending taxpayers' dollars to encourage tobacco use through these Agriculture programs, then discourage tobacco use through public health campaigns, and then pay for medical treatment when smoking gets people seriously ill. This policy just doesn't make sense. Let's stop it today.

In Congress, we should be in the business of preventing deaths, not encouraging them. I urge all my colleagues to support the Durbin-Hansen-Smith amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. DURBIN].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DURBIN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, July 19, further proceedings on the amendment offered by the gentleman from Illinois [Mr. DURBIN] will be postponed.

AMENDMENT OFFERED BY MR. BUNNING

Mr. BUNNING of Kentucky. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BUNNING of Kentucky:

Page 71, after line 2, insert the following new section:

''SEC. . Notwithstanding any other provision of this Act, none of the funds in this Act shall be made available to or for the Food and Drug Administration.''.

Mr. BUNNING (during the reading). Mr. Chairman, I ask unanimous consent the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes and that the time be equally divided.

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

There was no objection.

Mr. BUNNING of Kentucky. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a simple amendment. It strikes all funding for the food and drug administration from the bill.

The amendment is meant to send a shot across the bow of the FDA. It's a rogue agency that's out of control and Congress needs to slap it down.

At a time when we are cutting the size of Government and slashing red tape, the FDA is heading in the opposite direction. It wants broader regulation and bigger bureaucracies.

Dr. David Kessler, the FDA Commissioner, summed up his philosophy pretty well a couple of years ago when he proudly noted that the FDA was ''Getting new regulations out faster than ever before.''

When you stop to consider that the FDA is probably the most powerful government agency in the world with direct regulatory authority over a trillion dollars worth of our economy, Dr. Kessler's regulatory glee is more than a little frightening.

But, still, what have all of these new regulations got us?

Back in the 1970's it took 5 to 7 years to develop a new drug and get it approved. Now it takes 12.

As recently as 1992 the median approval time for medical devices was 102 days. Last year it climbed to 182 days.

It took 3½ years for the FDA to approve the kidney treatment drug interlukin–2, even though nine other countries had already approved it. During this time, an estimated 25,000 Americans died of kidney cancer.

Because of a 7-year delay in the approval of a heart medicine commonly known as beta blockers, the director of Tufts University Center for the study of drug development estimates that 119,000 Americans died who might have been helped by this drug.

All of this has happened in spite of the fact that the FDA has continued to expand. Since 1990, the FDA's budget has grown 27 percent. The number of employees who work for the agency has climbed 14 percent.

Mr. Chairman, we might have more regulations than ever before. But I believe that in their zeal to safeguard the American public from every possible evil, Dr. Kessler and the FDA have actually been slowly regulating America to death.

Mr. Chairman, last November the voters told us they don't want more Government and more regulation. They want less.

They want less Government interference in their day-to-day lives. They want less micromanaging by Federal bureaucrats.

And the American people certainly don't want Federal agencies pumping out rules and regulations faster than ever before.

But, in case the FDA hasn't noticed, the age of the welfare state is ending. The time when the Federal Government acted as a nanny for the public is passing.

In a recent op-ed piece, former Delaware Governor Pete Dupont even went so far as to dub Dr. Kessler the ''National Nanny''. This is one nanny who has been slowly suffocating the children.

Mr. Chairman, I'm a realist. I don't hold out much hope that my amendment will pass the House. But I want to send a message.

We have to let Dr. Kessler and the FDA know that some of us in Congress are watching. Some of us recognize that the Commissioner is out of control, and the FDA is out of control.

And more importantly, I think that we need to continue sending the signal that the time of Government passing more and more regulations in the name of compassion for its citizens is passing. FDA regulations are raising health costs. FDA regulations are killing people.

I urge my colleagues to support this amendment.

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

Mr. SKEEN. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. DINGELL].

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

Mr. DINGELL. Mr. Chairman, I am delighted to see the gentleman from Kentucky offer this amendment, and I congratulate him for it. This makes the issue very clear.

This is the kind of amendment that we Democrats love to see Republicans offer. It is the kind of amendment that will lead the voters of America and the consumers of America to vote the offeror out and all who vote for it. I urge my colleagues to join in supporting the gentleman from Kentucky.

What does the Food and Drug Administration do? It protects against bad and dangerous blood and dangerous blood products. It protects against filthy, dirty, adulterated, contaminated food manufactured and imported into this country. It protects the American public against unsafe biological products.

It protects the American people against unsafe products which are medical devices. It protects the American people against contaminated, dangerous, and unsafe commodities such as cosmetics. It protects the American people against the distribution of materials which affect the health of the American people and which are, in fact, not safe. It assures that products which are sold in commerce are, in fact, efficacious.

It has come into being because the Congress needed a body which would protect the American people against things like sulfanilamide elixer, which killed millions of Americans in the 1930's or against milk which was made safe and preserved by the addition of formaldehyde. It protects Americans against the kind of situation which we saw created generations of European babies who were born with flippers and without hands and legs, because of thalidomide.

I have been more critical than anybody else in this body about the Food and Drug Administration and about their failures, and I have seen to it that one administrator of the Food and Drug Administration has left public service and that a number of them have gone to jail.

I have seen to it that the entirety of the generic drug portion of the Food and Drug Administration has left that service, and we have cleaned it up.

Drugs are safe in this country, and they are safer here than anywhere in the world. Foods are safer in this country than anywhere in the world because of Food and Drug, and American women can buy cosmetics in the knowledge that they are safe, and the American mother can buy food for her baby in the knowledge that that food is going to be safe and not risk the health and the welfare of that child.

America can look to its food, America can look to its cosmetics, America can look to its appliances, to its blood and every other commodity that affects health and that sustains life and know that it is safe because of the Food and Drug Administration.

No other country until the world can have that comfort and satisfaction, and I would urge my colleagues, as they vote on this piece of legislation and on this particular amendment, to understand it is easy to criticize, but it is very, very hard to make the situation better.

Mr. SKEEN. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. DURBIN] and ask unanimous consent that he be allowed to control that time.

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

There was no objection.

Mr. DURBIN. Mr. Chairman, I yield 1½ minutes to the gentleman from Oregon [Mr. WYDEN].

Mr. WYDEN. Mr. Chairman, I would urge my colleagues in the strongest possible way to oppose this amendment.

The FDA needs reform, and I have introduced the first comprehensive bill in this session to get that reform. But make no mistake about it, the Bunning amendment would cripple the safety mission of the Food and Drug Administration.

My colleagues, let me say I know of no major industry group in our country that wants to go as far as the Bunning amendment. The biotechnology industry, which we have so much hope for in the 21st century, is certainly not going to want to cut all of this funding. The device industry, which also shows such great promise, does not want to go this far. The pharmaceutical industry does not want to go this far. They all believe that the Food and Drug Administration needs reform.

□ 2100

We can do that on a bipartisan basis, but let us not turn back the clock, let us not play Russian roulette, with the safety of the America public. Vote no on the Bunning amendment.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I thank the gentleman from New Mexico [Mr. SKEEN] for yielding this time to me.

Colleagues, make no mistake about it. This is a very, very unwise amendment, and I guess in a sense it is appropriate that it follows on the heels of the Durbin amendment, which was in my view of very modest amendment. This is a shot across the bow of the FDA all right, but it comes from the cannons of the American tobacco industry, and the reason for this amendment is one reason and one reason only, and that is that the FDA in the face of overwhelming medical and scientific evidence is on the verge of classifying nicotine as an addictive substance. So we need to be clear on, frankly, the motives behind this amendment.

Again, Mr. Chairman, it is very unwise. The FDA is making improvement, and working with industry, and expediting the rulemaking process, and I strongly urge the defeat of this amendment.

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

I response to the gentleman from Michigan I would like to just give him some information he might not have, that on July 14 of this year the FDA agents swooped into the headquarters of Synthetic Systems of Seattle, WA, to seize a device that poses a serious threat to the American people. What was the device? It was a chair that had a massage machine attached to it. They came in, and it was a relaxation machine, and the FDA, without warning, came in and removed it, stopped the sale of a relaxing chair machine that had a massage motor attached to it. If that is not an agency out of control, I have never seen one.

I would like to respond to my good friend, the gentleman from California [Mr. RIGGS]. I understand that the timber industry in his area needs help, and we understand that this Congress took steps to take care of that. I really personally resent the implication that the only reason that we are offering this amendment is that the FDA might, might, consider classifying tobacco as an addictive drug. There is no proof of that, and he knows it.

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

Mr. DURBIN. Mr. Chairman, I yield a minute and a half to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Chairman, I am just shocked at the debate that we are hearing this evening. The story the gentleman just told, as far as I know, is an anecdote that is not correct. It did not happen. I have heard these stories over and over again, and they turn out, when we investigate them, to be untrue. This is not the basis for ending an agency that protects the safety of the American people by approving drugs to be effective and protecting us from a food supply that may poison us.

I think this an irresponsible amendment. If this amendment were to be adopted, it would keep the FDA from getting drugs and devices on the market. Our industry in this country for drugs and devices are the marvel and leader of the world because they work with FDA, and, when FDA approves them, everyone recognizes that the FDA approval means that those products do what they are intended to do. They are safe, they are effective, and our industry has been profitable and saves lives.

Let us preserve the FDA and defeat this amendment. I think it is thoroughly irresponsible to want an appropriations bill to do away with the Food and Drug Administration. I wonder what the authorizing committees are all about, what the policy committees are supposed to be doing, if we are going to have amendments dropped out here on the floor without any debate, without any hearings, without any real thought being given to whether the FDA ought to be preserved, in some ways reformed, but made to work as it has done and can continue to do in the future.

The CHAIRMAN. The time of the gentleman from California [Mr. WAXMAN] has expired.

Mr. BUNNING of Kentucky. Mr. Chairman, in yielding such time as he may consume to the gentleman from California [Mr. WAXMAN] for the purposes of a colloquy, does the gentleman believe the things written in CRS are factual?

Mr. WAXMAN. I would.

Mr. BUNNING of Kentucky. The gentleman called me a liar.

Mr. WAXMAN. I did not call the gentleman a liar, but let me tell my colleague, if he would yield to me, I will explain to him my point, and I have heard the story over and over again about the FDA sneaking into offices, and when I investigated it, it just was not true, it just was not accurate.

Mr. BUNNING of Kentucky. So the fact of the matter is the FDA did swoop down on this company in Seattle and do exactly what I said, and that is right here, in case the gentleman is interested, on page 28 of the Congressional Service. Let me get the date for the gentleman.

Mr. WAXMAN. If the gentleman will continue to yield, perhaps they were enforcing the law. I think the gentleman is overreacting to something that is not accurate.

Mr. BUNNING of Kentucky. I say to the gentleman, ''If you call me a liar, I react to it.''

Mr. WAXMAN. This is about the anecdote he is relating to the House.

Mr. SKEEN. Mr. Chairman, I urge a ''no'' vote, and I yield back the balance of my time.

Mr. RICHARDSON. Mr. Chairman, I rise in opposition to the Bunning amendment. I understand that there are some very volatile, negative opinions surrounding the FDA, but it would be irresponsible to simply eliminate all of the programs the Agency oversees.

Reforms at FDA may be necessary, but there are effective and far less draconian methods of accomplishing that than by obliterating the Agency.

Last year I worked with a broad, bipartisan group of Congressmen to pass the Dietary Supplements bill, which brought common sense to the treatment of dietary supplements.

In that effort, we addressed what some considered to be regulatory excess and unreasonable restrictions on the part of FDA. However, even those in the nutrient and supplement industry who objected to FDA's tactics would not suggest that the entire Agency be abolished.

FDA governs the safety of all drug products, is working towards an AIDS vaccine and AIDS diagnostic tests, researches veterinary medicine products and devices, and ensures that food labeling is truthful. Surely we will not say to our constituents that these functions are no longer necessary.

Committees of jurisdiction in this body are free to use their oversight authority to curb overzealous FDA activity, and the appropriations process is always available to shift an Agency's priorities. But to destroy these health research and enforcement programs without a full and open debate would be careless and unproductive.

I urge my colleagues to vote ''no'' on the Bunning amendment.

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

Think about this amendment for just a second. The amendment offered by the gentleman from Kentucky [Mr. BUNNING] will close down the Food and Drug Administration. It will close it down, no funding, and then tomorrow what will happen? The Food and Drug Administration, which is responsible for monitoring the Nation's blood supply so that when someone is in an accident and goes to the emergency room they do not have to worry about that transfusion passing the HIV virus to them? Out of business. The Food and Drug Administration which inspects mammography clinics where our wives and loved ones who go in for breasts examinations can be assured the instruments are accurate and the people working there are professional; the FDA inspects those. Out of business. The Food and Drug Administration which review drugs on the market to try to protect us from disease and help live our lives a little longer, live a little longer, out of business. I ask if this is the Republican revolution that was voted for last year. Is this what they were looking for to get Government off our back, to take the Food and Drug Administration out of business of making sure that the foods, and drugs, and medical devices coming into our homes are safe and effective? I do not think so. I think what Americans are looking for are smart people here in this Chamber pushing for legislation to make more effective Government, not closing down the Food and Drug Administration.

Mr. Chairman, this is a kind of extreme position which I hope all Members of Congress would understand is unwise for America's future. Democrats and Republicans alike should defeat this amendment and perhaps join the gentleman from Kentucky in reforming this agency. There are things we can do to reform it, but turning out the lights is hardly reform. It really closes down an agency that is vitally important to every American family. I hope we will all join in defeating this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. BUNNING].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WAXMAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, July 19, further proceedings on the amendment offered by the gentleman from

Kentucky [Mr. BUNNING] will be postponed.

Mr. SKEEN. Mr. Chairman, I would like to ask the Chair to proceed now to have the votes at this time, and I ask unanimous consent that we do this.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I rescind that request, and we will let the gentleman from Wisconsin [Mr. OBEY] proceed, and I think then we will have the votes immediately after, and that will take 10 minutes.

The CHAIRMAN. The gentleman from New Mexico [Mr. SKEEN] withdraws his request to proceed with votes that had been rolled over from earlier this evening.

The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OBEY: Page 71, after line 5, insert the following new section:

Sec. 726. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries of personnel who carry out a market promotion program pursuant to section 203 (7 U.S.C. 5623) of the Agricultural Trade Act of 1978 that provides assistance to recipients other than those identified at 7 Code of Federal Regulations 1485.13(a)(1)(i)(J), 1485.12 (a)(2)(ii), and 1485.15(c) or that provides assistance to organizations with annual gross sales of $20,000,000 or more unless it has been made known to the official responsible for such expenditures that the organization is a cooperative owned by and operated for small organizations that are members of the cooperative.

Mr. SKEEN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

Mr. ZIMMER. Reserving the right to object, Mr. Chairman, I have proposed an amendment that has a considerable amount of support that deals with the same general program that the gentleman from Wisconsin [Mr. OBEY] is addressing, the market promotion program.

I intend to offer my amendment as a substitute for the amendment of the gentleman from Wisconsin [Mr. OBEY], and the agreement that had been reached with the leadership and with the chairman of the subcommittee was that the discussion of the market promotion program would be 1 hour, 30 minutes, divided between the two sides.

Continuing under my reservation, Mr. Chairman, if the amendment offered by the gentleman from Wisconsin is passed, it will in effect preempt the amendment that I have offered in a timely manner, and so I must object to this unanimous-consent request.

The CHAIRMAN. The Chair is willing to entertain suggestions from the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I ask the gentleman if we will have a 10-minute debate, we will accept his amendments, and no votes on that tonight?

Mr. ZIMMER. I reluctantly reject that proposal. The understanding that I reached with the gentleman was that my amendment would be entitled to 1 hour of debate. There are many Members who feel very strongly about this on both sides of the issue, and in effect that debate will be preempted, it will be truncated, by the debate on the gentleman from Wisconsin, Mr. OBEY's amendment. Mr. OBEY is trying to deal with the problem in a good-faith manner, but in a much more limited way than our striking amendment and elimination of the program.

I believe it is entirely appropriate for us to debate the elimination of the program and the limitation and the reduction of the program in the same general debate, and so I must reluctantly object to any unanimous-consent request that does not give proponents and opponents of Mr. OBEY's amendment and my substitute an aggregate of 60 minutes.

□ 2115

Mr. OBEY. Mr. Chairman, if the gentleman will yield under his reservation, I simply ask a question.

Mr. Chairman, the situation, as I understand it, is simply that we are trying to work out a mechanical problem. We are trying to facilitate the completion of all of these appropriation bills this week.

The difficulty we have is that I cannot be on the floor at the same time I am supposed to be in the committee helping to move forward the Labor-HEW appropriations bill.

I do not believe that the gentleman's amendment is in any way inconsistent with mine. Frankly, I had expected that there would be a very truncated discussion on mine, vote up or down, and then we would proceed to the gentleman's, which I think has probably much more interest than mine. But I think the gentleman misunderstands if he thinks that our amendment in any way precludes his amendment. It does not. The gentleman's amendment is simply much more restrictive than ours and can be offered, even though ours is offered, even in the unlikely event that mine is adopted.

Mr. ZIMMER. Mr. Chairman, with all respect, I understand that the gentleman has proposed the same amendment in years past, and it is not designed intentionally as a way to inoculate against the complete elimination of the MPP, but that will be its effect, and that is why I am insisting that we be able to debate them both in the same hour.

Mr. SKEEN. Mr. Chairman, there is a dissimiliarity in the two amendments. One is a limiting amendment; the other one is an omission, a complete omittance of a program. The Zimmer amendment is freestanding and will get its own time, and I will assure the gentleman that he will have a full hour of time, regardless.

Mr. ZIMMER. Mr. Chairman, you have been very fair and very understanding. We have had a number of conversations about this. But with all respect, it is not a question of time, it is a question of timing.

If the Obey amendment is to succeed, it will, for all practical purposes, forestall any reasonable debate on my amendment.

Mr. SKEEN. Mr. Chairman, we will not have any votes on the amendment of the gentleman from Wisconsin [Mr. OBEY] this evening.

The CHAIRMAN. With all due respect to my colleagues on the floor, this has gotten a little bit out of the bounds of normal operating procedure. We have already heard objections to the suggestion of a time limitation by the gentleman from New Mexico [Mr. SKEEN] and the gentleman from Wisconsin [Mr. OBEY]. The Chair is inclined to proceed with the Obey amendment and recognize for 5 minutes on each side, unless the chairman of the committee has a suggestion on how else we proceed, very quickly.

Mr. ZIMMER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, all I am trying to do is to offer an amendment which I expect will be opposed by both sides for opposite reasons. I am simply rising today to offer an amendment that is trying to put some rationality in the export marketing program, which is going to be debated a good deal tomorrow or later this evening as well.

I simply am offering an amendment which suggests that it does not cut any money out of the marketing program. All it suggests is that support under this marketing program should not be allowed for any corporation that has sales of $20 million or more unless it is essentially a co-op. That is all the amendment does.

I have 10 reasons for proposing this amendment. They are the Ernest and Julio Co., the Dole Co., Pillsbury Co., Tyson's Foods, M&M Mars, Campbell Soups, Seagrams, Hershey, Jim Beam Whiskey, Ralston Purina.

I enjoy virtually all of those products. I just do not want to have to subsidize all of them.

At the same time, I think there is room for an export marketing program provided that it is not gobbled up by the big boys.

Now I recognize that those who want the program to stay as is are going to oppose my amendment because they think they have a better chance of killing an amendment to cut off the program. I also recognize that some Members think they have a good chance to

cut off the entire program, and they do not want to vote for my amendment because they think it gets in the way. I apologize for that inconvenience. But I do think that once in a while around here there is room for a middle way. That is all I am trying to do.

With that, in an effort to simply try to move this forward so that Members can go home and the committee can continue to debate the rest of the amendments and roll the votes until tomorrow, I thank the chairman.

AMENDMENT OFFERED BY MR. ZIMMER AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. OBEY

Mr. ZIMMER. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. ZIMMER as a substitute for the amendment offered by Mr. OBEY: Strike the text of the amendment and insert the following:

''SEC. 726. (a) LIMITATION ON USE OF FUNDS.—None of the funds made available in this Act may be used to pay the salaries of personnel who carry out a market promotion program pursuant to section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623).

(b) CORRESPONDING REDUCTION IN FUNDS.—The amount otherwise provided in this Act for ''Commodity Credit Corporation Fund—Reimbursement for Net Realized Losses'' is hereby reduced by $110,000,000''.

PARLIAMENTARY INQUIRY

Mr. DURBIN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DURBIN. Mr. Chairman, during the course of the evening, we have had suggested time limitations on debate. Does the chairman want to make a time limitation request on the Zimmer amendment?

The CHAIRMAN. The Chair will consider a time limitation request.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 1 hour and that the time be equally divided.

The CHAIRMAN. Does the gentleman refer to debate of both the substitute and the underlying Obey amendment or only to the Zimmer substitute?

Mr. SKEEN. Mr. Chairman, yes, both.

The CHAIRMAN. Does it refer to both the Zimmer amendment and the Obey amendment or only the Zimmer amendment?

Mr. SKEEN. Mr. Chairman, that is my understanding.

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

Mr. SCHUMER. Reserving the right to object, Mr. Chairman, just a clarification. I presume the one hour, I do not care what kind of limit is on the Obey amendment, which we did not know about and came as a surprise, but we were promised one hour on the Zimmer amendment last night for foregoing doing it last night, and I would ask that it be one hour on the Zimmer amendment and then whatever time the gentleman from Wisconsin [Mr. OBEY] is willing to accept on his substitute amendment be added to that.

Mr. CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

Mr. SCHUMER. Reserving the right to object, I would ask the gentleman from New Mexico [Mr. SKEEN] to modify his proposal for 1 hour on the Zimmer amendment and whatever he wants to add, 10 minutes or whatever, to the Obey amendment.

Mr. Chairman, continuing my reservation of objection, I yield to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I would simply like to point out that if we are going to start cross-walking these things, I have an amendment to the gentleman's amendment, and that also ought to be included in the discussion. I would simply prefer to have a five-minute debate on my amendment on the other side. I do not care if the vote is taken tonight or tomorrow, and as far as I am concerned, I do not care how long we stay here tonight debating the gentleman's amendment. I would suspect that they could all be rolled until tomorrow.

Mr. SCHUMER. Mr. Chairman, continuing my reservation of objection, does the gentleman care which order they are debated and voted upon?

Mr. OBEY. Mr. Chairman, if the gentleman will continue to yield, I have already debated mine. I do not need any more time on mine. I would offer another substitute.

Mr. SCHUMER. Mr. Chairman, the proposal I would make is that we spend 1 hour on the Zimmer amendment, no more debate on the Obey amendment, and then move to vote on the Zimmer substitute and then the Obey amendment.

Mr. Chairman, continuing my reservation of objection, I yield to the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Chairman, I have a counter for the gentleman, and I would say this, let us do two votes now and get them out of the way, and then we will give you all the time necessary for the Obey and Durbin and Bunning.

Mr. SCHUMER. Mr. Chairman, just a point of clarification from the gentleman, those two votes are not either the Zimmer or the Obey amendment?

Mr. SKEEN. Mr. Chairman, if the gentleman will continue to yield, neither one of those.

Mr. SCHUMER. Mr. Chairman, I have no objection to that.

Mr. WAXMAN. Mr. Chairman, reserving the right to object, I have no objection to rolling over votes while we are all here listening to the debate, but if we are going to vote and then have debate while all of the Members are gone and then vote tomorrow, I find that a highly offensive procedure. There will be no one to hear the debate on either side. So if the proposal is to have our votes and have the debate on that one amendment only and roll it over to have the vote thereafter or roll it over until tomorrow and not have all of the other amendments brought up tonight, I will not object, but I do not think it is proper to have a lot of amendments debated when members are not even here to hear the debate.

The CHAIRMAN. The Chair will enforce regular order. There is no pending question.

Mr. OBEY. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

Mr. BUNNING of Kentucky. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard. The amendment is not withdrawn.

Mr. SKEEN. Mr. Chairman, everybody is a little offended about everybody's other little offenses tonight, and I am sure it is becoming a very prickly situation. I would once again offer, let us do the two votes that we have pending now that we have rolled over and do them now. We will also discuss this amongst the interested parties during the vote, and we will then come up with some resolution on what time to afford the two interested parties during the vote, and we will then come up with some resolution on what time to afford the two interested parties on the issue that we have got that the gentleman from New Jersey [Mr. ZIMMER] and the gentleman from Wisconsin [Mr. OBEY] are interested in.

□ 2130

PARLIAMENTARY INQUIRY

Mr. DEUTSCH. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. DEUTSCH. Mr. Chairman, the inquiry is very similar to what the gentleman from New York [Mr. SCHUMER] just mentioned. Is it the intention of the chairman of the subcommittee to have debate tonight and then no votes tonight after those next two amendments?

The CHAIRMAN. That is not a parliamentary inquiry. A parliamentary inquiry must be directed to the Chair.

Mr. DEUTSCH. Mr. Chairman, I am asking the Chair to ask the chairman. I think a lot of us are concerned that we are going to have debate this evening on a lot of significant matters.

The CHAIRMAN. The Chair has a number of responsibilities, one of which, however, is not to announce the program for the evening.

There is a pending proposal by the gentleman from New Mexico [Mr. SKEEN] to proceed to the two votes that were postponed from earlier in the evening. That would be possible if the pending amendment to the bill were withdrawn. Is there objection?

Mr. DURBIN. Reserving the right to object, Mr. Chairman, are those two votes first on the Durbin-Hansen-Smith amendment on the tobacco program, and second on the Bunning

amendment, on the Food and Drug Administration?

Mr. SKEEN. That is correct.

Mr. DURBIN. Those are the two votes we would have now, Mr. Chairman?

The CHAIRMAN. The gentleman is correct.

Mr. DURBIN. In that case, Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. There is still a pending amendment by the gentleman from Wisconsin [Mr. OBEY]. He cannot withdraw his amendment because of the objection of the gentleman from Kentucky [Mr. BUNNING]. We must dispose of the pending business involving the gentleman from Wisconsin [Mr. OBEY] before we can move to the other one.

Is there objection to the request of the gentleman from Wisconsin [Mr. OBEY]?

Mr. BUNNING. Mr. Chairman, I withdraw my objection.

The CHAIRMAN. Without objection, the amendment of the gentleman from Wisconsin [Mr. OBEY] will be withdrawn.

There was no objection.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to order of the House of Wednesday, July 19, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: The amendment offered by the gentleman from Illinois [Mr. DURBIN] and the amendment offered by the gentleman from Kentucky [Mr. BUNNING].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series. The first vote is 15 minutes.

AMENDMENT OFFERED BY THE MR. DURBIN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois [Mr. DURBIN] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 199, noes 223, not voting 12, as follows:

[Roll No 544]

AYES—199

Ackerman
Andrews
Archer
Armey
Baldacci
Barrett (WI)
Bartlett
Bass
Becerra
Beilenson
Bereuter
Berman
Bilbray
Blute
Borski
Brown (CA)
Brown (OH)
Brownback
Bryant (TX)
Bunn
Canady
Cardin
Castle
Coburn
Collins (IL)
Conyers
Costello
Cox
Coyne
Crapo
Cunningham
Davis
DeFazio
DeLauro
Dellums
Deutsch
Doggett
Dornan
Dunn
Durbin
Ehlers
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fawell
Fields (LA)
Foglietta
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Ganske
Gejdenson
Gibbons
Gilchrest
Gilman
Goss
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hansen
Harman
Hayworth
Hefley
Hinchey
Hobson
Hoekstra
Hoke
Horn
Hyde
Jackson-Lee
Jacobs
Johnson (SD)
Johnston
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kim
King
Kleczka
Klug
Kolbe
LaFalce
Lantos
Largent
Lazio
Leach
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manzullo
Markey
Martini
McCarthy
McCollum
McDermott
McHale
McInnis
McKeon
McNulty
Meehan
Menendez
Metcalf
Meyers
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge
Molinari
Moorhead
Moran
Morella
Myrick
Nadler
Neal
Neumann
Oberstar
Obey
Olver
Orton
Owens
Packard
Pallone
Payne (NJ)
Pelosi
Petri
Porter
Poshard
Pryce
Quinn
Ramstad
Rangel
Reed
Richardson
Riggs
Rivers
Roemer
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Royce
Rush
Salmon
Sanders
Sawyer
Saxton
Scarborough
Schiff
Schroeder
Schumer
Seastrand
Sensenbrenner
Shaw
Shays
Shuster
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Stokes
Studds
Talent
Tate
Torkildsen
Torricelli
Traficant
Upton
Velazquez
Vento
Visclosky
Waldholtz
Walsh
Waxman
Weldon (FL)
Weldon (PA)
White
Wolf
Woolsey
Wyden
Young (FL)
Zeliff
Zimmer

NOES—223

Abercrombie
Allard
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Barton
Bateman
Bentsen
Bevill
Bilirakis
Bishop
Bliley
Boehlert
Boehner
Bonilla
Bonior
Bono
Boucher
Brewster
Browder
Brown (FL)
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Combest
Condit
Cooley
Cramer
Crane
Cremeans
Cubin
Danner
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Duncan
Edwards
Ehrlich
Emerson
English
Everett
Ewing
Fazio
Fields (TX)
Filner
Flake
Flanagan
Foley
Forbes
Franks (CT)
Frisa
Frost
Funderburk
Gekas
Gephardt
Geren
Gillmor
Gonzalez
Goodlatte
Gordon
Graham
Green
Gunderson
Hall (TX)
Hamilton
Hancock
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hefner
Heineman
Herger
Hilleary
Hilliard
Holden
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Inglis
Istook
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kennelly
Kingston
Klink
Knollenberg
LaHood
Latham
LaTourette
Laughlin
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
Longley
Lucas
Manton
Martinez
Mascara
Matsui
McCrery
McDade
McHugh
McIntosh
McKinney
Meek
Mica
Mink
Mollohan
Montgomery
Murtha
Myers
Nethercutt
Ney
Norwood
Nussle
Ortiz
Oxley
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Portman
Quillen
Radanovich
Rahall
Regula
Roberts
Rogers
Rose
Sabo
Sanford
Schaefer
Scott
Serrano
Shadegg
Sisisky
Skaggs
Skeen
Skelton
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torres
Towns
Tucker
Vucanovich
Walker
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Weller
Whitfield
Wicker
Williams
Wise
Wynn
Young (AK)

NOT VOTING—12

Collins (MI)
Dreier
Gallegly
Goodling
Jefferson
Lewis (GA)
Moakley
Reynolds
Stark
Volkmer
Wilson
Yates

□ 2153

Messrs. WAMP, CHRISTENSEN, and MASCARA changed their vote from ''aye'' to ''no.''

Messrs. COSTELLO, MFUME, HYDE, SAWYER, SAXTON, ENGEL, and KIM changed their vote form ''no'' to aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BUNNING

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Kentucky [Mr. BUNNING] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

Mr. WAXMAN. Mr. Chairman, I withdraw my demand for a recorded vote.

The CHAIRMAN. The demand for a recorded vote is withdrawn.

So the amendment was rejected.

AMENDMENT NO. 8 OFFERED BY MRS. LOWEY

Mrs. LOWEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mrs. LOWEY: At the appropriate place in the bill, insert the following new section:

SEC. . None of the funds made available in this Act may be used to provide deficiency payments and land diversion payments described in paragraph (1), or other payments described in paragraph (2)(B), of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) to any person when it is made known to the Federal entity or official to which the funds are made available that the person has an annual adjusted gross income of $100,000 or more from off-farm sources.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that all debate on

this amendment and all amendments thereto close in 30 minutes.

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

Mr. ROBERTS. Mr. Chairman, reserving the right to object, everyone else objected this evening, I just thought it was my turn. Under my reservation, I would like to ask the distinguished gentleman from New Mexico what the arrangement is in regard to the many amendments we have pending, and of course the very important amendment by the two gentlemen who are not on the Authorizing Committee and not on the Appropriations Committee, but must have 1 hour of debate and an immediate vote as opposed to the 10 or 15 or 20 other votes that affect policy, but we are going to debate them tonight, not have votes, roll them over into the next day so nobody will know what they are voting on.

Mr. Chairman, is that the business of the committee?

Mr. SKEEN. Mr. Chairman, if the gentleman will yield, I tell this wonderful gentleman that he is exactly right and to not have a fit until we get this thing reduced to some kind of a settlement. I appreciate everybody's patience. This has been a very difficult situation.

Mr. ROBERTS. Mr. Chairman, further reserving the right to object, I would tell my dear friend and all the sheep that he has and the one he rode in on with a saddle. With a saddle.

Mr. SKEEN. I thank the gentleman. The beauty is in the eyes of the beholder.

Mr. ROBERTS. In the saddle. My concern is this.

□ 2200

My concern is that the agreement has been reached between two of our colleagues, and I was a tad sarcastic when I said neither were members of the authorizing committee and the appropriating committee, reserving 1 hour of debate, which is essential to the market promotion program, which is a very important program not only for the farm program but for American export and all of that.

However, we have at least 8, 10, 15 other amendments on means testing, the farm program, on the Export Enhancement Program, on the Food for Peace Program and on and on. Now, we are not going to have an hour of debate in that regard. We are going to announce that we are going to roll the votes until tomorrow.

I doubt if there are more than six people on the floor when we announce that, and so the debate will not be heard, but we will come in very quickly as of tomorrow, and we will vote, and we will roll those votes, and I have a little problem with that because it is so late at night.

I think each issue deserves this kind of a policy debate, and I will tell you that if some of these key amendments are passed which I consider to be very counterproductive I will urge every member of the Committee on Agriculture to vote no, and this bill will go down.

Now I am not for that. I am not for that. But I think we are getting a little far afield here in terms of reasoned debate on the very key amendments that affect our Nation's policy.

If that is what we are going to do I guess we will just have to go and do it. I do not want to be obstreperous, well, I do want to be obstreperous; I do not want to really pose an obstacle, but the gentlewoman is going to offer an amendment here on means testing. It should have a 30 to 45 minutes at least an hour debate. It will gut the current farm program.

Mr. Chairman, I withdraw my reservation of objection. If that is how we are going to do this, why, fine, but I am just telling you this is a hell of a way to run a railroad.

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

Mr. THOMAS. Mr. Chairman, reserving the right to object, I do not want to threaten or anything else. I just do not know what we are doing. What is it that has been requested? What is the unanimous-consent request?

Mr. SKEEN. Once again, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 30 minutes, and that is the business before this committee on the Lowey amendment.

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

Mr. THOMAS. Reserving the right to object, Mr. Chairman, does that include a vote on that amendment?

Mr. SKEEN. No.

Mr. THOMAS. Does the gentleman from New Mexico intend to have a vote tonight following debate on this amendment?

Mr. SKEEN. No; at this present time, no.

Mr. THOMAS. Then I object.

The CHAIRMAN. Objection is heard.

Mr. ARMEY. Mr. Chairman, I ask unanimous consent to strike the last word.

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

There is no objection.

The CHAIRMAN. Pending the recognition of the gentlewoman from New York [Mrs. LOWEY], the gentleman from Texas is recognized for 5 minutes.

Mr. ARMEY. Mr. Chairman, let me first express my appreciation to the managers of the bill, both on the Republican and the Democratic side, and to those Members who have exercised their right to bring forward amendments for their willingness to work together and try to negotiate time limits on this bill, even though they are free under the rule to hold each amendment to the 5-minute rule. They have worked very hard together trying to work out time limits for the convenience of the body, and I want to express my appreciation for everyone who has worked with the floor managers toward that end.

This is a rough schedule, I know. I have heard about it quite a bit.

Let me just tell you, 2 weeks ago, or was it a week ago, the leadership team on both sides of the aisle as well as that from the Senate went to the White House and we talked to the President about how seriously important it is for us to move these appropriations bills as quickly as possible. The President of the United States, in his concern for this process, knowing how much we must get done before this year is over, encouraged both the House and the Senate to work through the August recess, and the President was most sincere in his encouragement out of a desire to have this work done, knowing what we must do later.

We made a decision that we would prefer to preserve the August recess out of consideration for the fact that each and every Member of this body already has a scheduled recess period that should not be disrupted.

We further hope to make it possible for each and every Member of this body to avoid working on weekends between now and that August recess, and yet we share the President's conviction we must complete these bills before we adjourn for the August recess.

In that interest, we are, in fact, keeping a rigorous schedule. We prefer not to deny any Member their right to have an amendment. Irrespective of whether or not they are on the authorizing committee or the Committee on Appropriations, the Member has a right to offer this amendment.

We prefer not to write rules where the Committee on Rules would dictate the terms of debate in terms of the time. We prefer instead to place our confidence in the bill managers working in conjunction with the people who have the amendment to make reasonable time limit agreements freely and voluntarily among themselves out of consideration for their colleagues. And that is working reasonably well.

How badly must it work before we write rules that diminish the right of another Member to participate in the process in the interests of time? I do not think it is working that badly, and I again applaud those folks.

Now it is an innovation for us to roll votes while we are in the Committee of the Whole, and we understand it is an innovation that probably does not have a lengthy tradition, but it's something that we thought we could do out of consideration for the Members, and I think to some extent it has worked fairly well.

I must say that some Members with amendments like the gentlewoman from New York [Mrs. LOWEY] are able to feel confident working with the bill managers that a 20-minute time limit will suffice for the purpose of the debate. Others feel very strongly that maybe an hour might be required. But

I should ask you, is that Member who says, ''I really feel like I need an hour'' being more unreasonable than that Member that says, ''I insist on operating under the 5-minute rule''? It does not take that many Members to talk for more than an hour under the 5-minute rule.

So I think even that Member that might have said, ''I would like to have an hour working with the bill managers'' should be appreciated for the effort they made.

Now, again, let me just say I am sorry that the objection has been made. I think it is unfortunate with respect to the good effort that was made by the people involved in negotiating this time. But still, nevertheless, we still have our hopes to complete our desire and that of the President with respect to the completion of these bills before we adjourn on recess on the fourth of August. We still have our hope and our desire that we can do so without working weekends between now and then. We still have our hope and our desire we can do so without diminishing the rights of the Members to participate, and we will continue to work toward that.

But I must tell you, for us to maintain that schedule, we will have to finish this bill tonight. Now, we can, in fact, make a decision to not finish tonight, if you would prefer to not have your adjournment for the weekend at 3 o'clock tomorrow.

These are tough tradeoff decisions we have to make, and again let me thank the bill managers and those with amendments for their willingness to participate freely and voluntarily in negotiating limits on this time so that we can accommodate these tough configurations of choices.

Mr. GEPHARDT. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Chairman, I would say to the gentleman that we have worn out this body with night after night meetings until 9 and 10 o'clock, and if your announcement means that without being able to get this unanimous-consent request we are going to sit here and grind through both amendments and vote through the night in order to get done, we are going to leave the Members totally exhausted and unable to come back here tomorrow and get the rest of the work done.

We understand what you are trying to do, and we are trying to be helpful. Our Members on both sides, as you have said, have worked hard together to try to reach unanimous-consent agreements, and they have had a good deal of success.

It is late. One of the reasons we are having trouble keeping the agreements coming is because people are getting short of temper. They are wearing out. With the greatest of respect, I suggest that we leave tonight and we come back tomorrow, maybe with a fresher attitude, and we try to go back to getting unanimous-consent requests and vote on the amendments as they come.

You have every right in the world to say that we are going to meet on Friday, maybe to a later time. Maybe the Friday and Monday of next week that you asked for us to be off has to be taken away. But I think people would rather work in the daylight hours and into the early evening. Nine o'clock might be a time beyond which we should not go. And if you will do that I think you will finish your schedule.

Mr. ARMEY. I thank the distinguished gentleman from Missouri, the distinguished minority leader for that recommendation, and again I would like you to know we try to take as many innovations as we feel are feasible under consideration.

At this point, I think all of our work would be more facilitated, Mr. Chairman, if I would surrender my time and let the floor managers get back to work on this bill.

The CHAIRMAN. The gentlewoman from New York controls the time. No other Member may be recognized unless she yields time.

Mr. LAFALCE. Mr. Chairman, I ask unanimous consent, given the statements of the distinguished majority leader and minority leader, to renew the request that was previously made by the distinguished floor manager of this bill, that is that the gentlewoman from New York [Mrs. LOWEY] be entitled to, as I recall, a half an hour, and that the votes would then be rolled until tomorrow.

Mr. THOMAS. Mr. Chairman, I reserve the right to object.

The CHAIRMAN. The gentleman from California reserves the right to object.

First, does the gentlewoman from New York [Mrs. LOWEY] yield for that request?

Mrs. LOWEY. I certainly accept that Mr. Chairman.

The CHAIRMAN. The gentlewoman from New York yields for that request.

Mr. THOMAS. Mr. Chairman, the original request, I believe, was for 20 minutes, if I am correct, 30 minutes, which could have been already completed. We would have started to vote, and we would have gone home.

To say that we are going to roll the vote over until tomorrow on an issue which is absolutely critical to my district when somebody else decides they have an amendment, it is going to be a half an hour debate, but the vote will not occur until later.

I commend the majority leader for packaging votes on a rollover basis during the day. It has certainly been a time saver. But when you have a half an hour debate and say you are going to postpone the vote until tomorrow, that is an aberration of the concept of rolling votes. That amendment is critical.

PARLIAMENTARY INQUIRY

Mr. ARMEY. Mr. Chairman, parliamentary inquiry, who controls the time?

The CHAIRMAN. The gentlewoman from New York controls the time. Will she yield to the majority leader?

Mrs. LOWEY. Yes, Mr. Chairman.

Mr. ARMEY. Reserving the right to object for just a clarification, and I beg the gentlewoman's forgiveness. The gentleman from California did make an important point, and I am sorry I forgot to make this point, and I think the body should know it. There will be no more rolled votes this evening.

That is to say again, we will not roll votes over, collect votes. The votes will take place at the time they are called.

The CHAIRMAN. The gentlewoman from New York controls time.

Mrs. LOWEY. I just want to be sure that at the end of yielding the time I still have the 30 minutes, 15 minutes on each side to debate.

The CHAIRMAN. There is objection to the unanimous consent request. There is not a time limitation, and at this time, the gentlewoman is recognized under the 5-minute rule.

Mr. LINDER. Mr. Chairman, reserving the right to object.

The CHAIRMAN. The gentleman from Georgia will hold his request. There is no pending unanimous consent request. The gentleman from California has objected.

□ 2215

POINT OF ORDER

Mr. THOMAS. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. THOMAS. Mr. Chairman, I did not object on the last unanimous-consent request.

The majority leader has told me there will be no rolling of votes, and that the vote will be called when the amendment is ended, and I will serve notice, I will not object, but when the debate is ended, I will ask for a rollcall vote.

The CHAIRMAN. Under the unanimous-consent request the amendment is debatable for 30 minutes, 15 minutes controlled by proponents, 15 minutes by opponents.

Mr. LINDER. Further reserving the right to object, Mr. Chairman, is it in order for the gentlewoman from New York [Mrs. LOWEY] to move for a motion to allow the debate to occur and the vote to occur also?

The CHAIRMAN. There is no objection. We can enter the order immediately, and we can begin debate.

Hearing no objection, there will be a 30-minute cap on this debate.

The CHAIRMAN. There was no objection. The gentlewoman from New York [Mrs. LOWEY] will control 15 minutes, and an opponent will control 15 minutes.

The Chair recognizes the gentlewoman from New York [Mrs. LOWEY] for 15 minutes.

Mr. ROBERTS. Mr. Chairman, I reserve a point of order against the amendment until the gentlewoman from New York [Mrs. LOWEY] has explained her amendment.

The CHAIRMAN. The gentleman from Kansas [Mr. ROBERTS] reserves a point of order against the amendment offered by the gentlewoman from New York [Mrs. LOWEY] but asks first she have the opportunity to explain her amendment.

The point of order is reserved.

The Chair recognizes the gentlewoman from New York [Mrs. LOWEY] for 15 minutes.

PARLIAMENTARY INQUIRIES

Mrs. LOWEY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state her parliamentary inquiry.

Mrs. LOWEY. Mr. Chairman, is the gentleman from Kansas proceeding with his point of order?

The CHAIRMAN. The gentleman from Kansas reserves his point of order.

Mr. ROBERTS. Mr. Chairman, has the gentlewoman explained her amendment?

The CHAIRMAN. The gentlewoman from New York [Mrs. LOWEY] may proceed with explaining her amendment. She controls 15 minutes of time.

Is the gentleman from New Mexico [Mr. SKEEN] opposed to the amendment?

Mr. SKEEN. Yes, I am, Mr. Chairman.

The CHAIRMAN. Then the gentleman from New Mexico [Mr. SKEEN] will control 15 minutes of time as well.

The Chair recognizes the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, the Lowey-Greenwood-Andrews-Schumer amendment would disqualify those earning more than $100,000 in off-farm income for receiving subsidy payments. That is off-farm income. The proposal would stop wealthy landowners who often do not live or work on their farms from receiving these subsidies.

Mr. Chairman, the farm subsidy program was originally intended to help family farmers stay on their land and produce a crop. Today, too many subsidies go to independently wealthy, non-resident farm owners who do not work their own land. This amendment affirms our commitment to those family farmers who struggle each year to keep their farms an grow a crop.

There are many people engaged in this debate who are saying we should eliminate all agricultural subsidies. I do not agree. But clearly we must make this program more accountable to the needs of America's farmers. This rational change in the program will ensure that those people receiving these subsidies truly deserve them.

In an era of tight budgets, how can we justify giving these subsidies to millionaires like Sam Donaldson? It just does not make sense.

According to USDA, this proposal will only affect 2 percent of farm owners. The proposal is supported by the Clinton administration, and groups as diverse as Citizens Against Government Waste, Citizens for a Sound Economy, the Environmental Working Group, the National Taxpayers Union, and USPIRG. It is in the CBO's Spending and Revenue Options, and even the Heritage Foundation supports the concept.

CBO estimates that this amendment will save $41 million in fiscal year 1996 alone, and USDA estimates a 5-year savings of $450 million.

Mr. Chairman, this proposal makes fiscal sense, and it makes policy sense. I urge my colleagues to support the Lowey-Greenwood-Andrews-Schumer amendment.

Mr. SKEEN. Mr. Chairman, I yield 8 minutes to the gentleman from Kansas [Mr. ROBERTS].

The CHAIRMAN. Does the gentleman from Kansas insist on his point of order?

Mr. ROBERTS. Mr. Chairman, I reserve my point of order and ask the gentlewoman for several clarifications, if I might.

Would the gentlewoman advise me as to how people would make known to the Secretary of Agriculture that a person has an annual adjusted gross off-farm income in excess of $100,000 and what the Secretary would do to obtain such information?

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

Mr. ROBERTS. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I received assurance that the Department of Agriculture would understand the intent of this amendment and would put in place appropriate steps to carry out the intent of this amendment.

Mr. ROBERTS. That the Secretary would put into place appropriate steps to carry out the amendment?

Mrs. LOWEY. I am saying that I understand that the Department of Agriculture would understand the intent of the amendment and the appropriate process would follow.

Mr. ROBERTS. Well, let me keep on with my questioning if I might.

Would the gentlewoman advise me whether the Secretary would verify the information received on off-farm income and what the Secretary would do with that information?

Mrs. LOWEY. Mr. Chairman, as I believe this body is aware on appropriations bills, we have the right to offer a limitation amendment, but we do not have the right to dictate the policy. The intent of the amendment is clear.

Mr. ROBERTS. Would the gentlewoman please clarify for me and the membership what calendar year does her amendment apply to—1995? 1996?—and what duties it would impose on the Secretary or other Federal agencies?

Mrs. LOWEY. Mr. Chairman, may I have clarification on the gentleman's questions? Are they all part of the point of order?

Mr. ROBERTS. I am just reserving the point of order under the 5 minutes. If I could, I will reclaim my time for clarification to determine if this gentleman would raise a point of order.

Mr. Chairman, I think it is extremely important to know how the gentlewoman's amendment would be administered if, in fact, it even would be administered.

Mrs. LOWEY. Would the gentleman clarify the point of order?

Mr. ROBERTS. I would like to know if the gentlewoman's amendment, if the restriction that somehow the Secretary of Agriculture would administer without the gentlewoman telling the Secretary how to administer it, would that be applicable to 1995, or 1996, or what year?

Mrs. LOWEY. Mr. Chairman, I believe, as the gentleman is aware, the amendment is printed in the RECORD, and the gentleman will have to state his point or order.

Mr. ROBERTS. In other words the gentlewoman cannot tell me whether this is applicable to crop year 1996 or 1995. I am just asking the gentlewoman a simple question.

Mr. Chairman, I can understand the concern of the gentlewoman because she does not know.

In order to implement her amendment, and this is the final question, and we will get to the end of this, would the Secretary obtain income tax returns from the IRS, or require producers to bring in a tax return, or require producers to certify their off-farm income in order to verify any off-farm income?

Mrs. LOWEY. I believe, Mr. Chairman, that the amendment speaks for itself. The intent is clear, and, if the gentleman does not have a point of order, I believe we should proceed.

Mr. ROBERTS. Mr. Chairman, I will raise the point of order once I get the clarification if, in fact, the gentlewoman can tell me. I am not trying to be argumentative. I am trying to find under clarification whether a point of order should lie against the gentlewoman's amendment. I have discussed this with the gentlewoman prior to discussion as of this late hour. What I am trying to determine is will her amendment in any way require anybody to come in and ask for information of our Nation's farmers. Will her amendment require anybody to go and obtain information? If the information does come in, will anybody verify it?

□ 2230

Mr. ROBERTS. Mr. Chairman, is there any additional duties required of the secretary under the gentlewoman's amendment?

Mrs. LOWEY. Mr. Chairman, as I understand it, it is not the responsibility of myself to develop the point of order.

Mr. ROBERTS. So the answer is no.

Mrs. LOWEY. Mr. Chairman, the intent of the amendment is clear.

Mr. ROBERTS. Mr. Chairman, so the answer is no.

Mrs. LOWEY. Mr. Chairman, as I understand it, I do not have the obligation to develop the point of order.

Mr. ROBERTS. So then would the gentlewoman agree that what we have

here is the equivalent of a strong intent, and I am not trying to put words in the gentlewoman's mouth, a strong intent, a sense of the House then in terms of intent, sort of a sense of the House resolution that this would be the intent of the gentlewoman? In terms of mandatory legislation, that that would not apply here; this is more of a sense of the House of Representatives that this would be the case?

Mrs. LOWEY. Mr. Chairman, I think the intent of this amendment is clear. It was ruled in order by the parliamentarian, and as I understand it, we do not have an obligation to define it further. This amendment certainly expresses the intent.

Mr. ROBERTS. Mr. Chairman, I am not going to raise a point of order. I will not raise a point of order. I will simply, for discussion purposes, proceed.

I think the House can understand what is apparent here. We have no way of knowing how this is going to be enforced. It is a simple attempt here that the only option the secretary has in this regard, and I am talking about Secretary Glickman, a former friend and colleague of us all, is to somehow sit back and let the information in regard to all farm income simply come to him.

Now, maybe a farmer, in a fit of taxpayer-induced guilt, will walk into the secretary's office with a certified copy of his tax return and tell Secretary Glickman that he makes more than $100,000 off the farm and please request that the secretary now pay him. However, barring this kind of situation, this amendment will be, because the secretary cannot, I repeat, cannot, deny any farm program payments for which a producer is eligible under current law without making some kind of active determination that some producers off-farm income exceeds the $100,000.

In other words, passively waiting for off-farm income information to come floating into his office is not a basis for denying payments that the courts, the courts will find acceptable when the secretary begins denying payments to producers.

Let me also say that other than the point of order concern and that there are no marching orders whatsoever on how this is going to be implemented and that every farmer in America, the 98.3 percent who do not make anything close to $100,000, will have to fill out forms and paperwork if this is administered, and the gentlewoman is careful to say that she will not do that, think of the forms and the regulations that everybody is going to have to put up with.

Now, there are several other reasons why this is not a good idea.

Mr. Chairman, the real victims here are not the people that have been piloried simply because they have off-farm income, the doctors, the lawyers, the Sam Donaldsons. Lord knows, I do not care if Sam Donaldson gets a farm program payment. It is the tenant. The tenant will lose their lease. The tenant will be forced to go to cash rent because the landowner will not continue with crop share.

This amendment will hurt the very people that we are supposed to be helping. Every farmer in the country, if this is implemented, is going to have to deal with the IRS in some form; 1.7 of America's farmers are in this category.

I can tell you if they have off-farm income in excess of $100,000, this will be the lawyer and CPA full employment act of 1995. They will separate out that income, and it will not achieve what is intended. We will not have the savings.

Mr. Chairman, I will not raise a point of order. I thank the gentlewoman. I respect the gentlewoman. I urge a no vote on the gentlewoman's amendment.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GREENWOOD].

Mr. GREENWOOD. Mr. Chairman, I rise to commend the gentlewoman from New York for offering this fiscally conservative and well considered amendment. The Lowey amendment simply ensures that those who need subsidy payments receive them.

This not only benefits the American taxpayers but it greatly benefits those small-independent farmers who need subsidies to survive.

Too often, Mr. Chairman, the Federal Government gives subsidies to those who simply do not need them. We have seen this in too many of our Federal programs, however, this has been particularly true with agriculture subsidies.

Independently wealthy, non-resident farm owners have been collecting taxpayers dollars for farm subsidies, and in turn, taking resources away from those farmers who depend on these subsidies for their very existence.

This assistance was never meant to support someone's hobby, which happens to be farming. To the contrary: It was developed to help those farmers who truly depend on the land; those farmers who every year have the threat of the bank foreclosing on their only means of income; and, those farmers who live day-by-day with the threat of losing their land and their crop because of inclement weather.

Mr. Chairman, I need not remind any of my colleagues what the message was last November. The American Public wants real reform, no more giveaways, or out of control programs.

I urge all of my colleagues to support the Lowey amendment. We can no longer mortgage our children's future to subsidize those who do not need it.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. THOMAS].

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

Mr. THOMAS. Mr. Chairman, I have no quarrel whatsoever with any of the statements that were made by the gentleman from Pennsylvania. The problem is, none of that applies to this amendment. If someone is passively involved, if it is a hobby of farming, if they do not have labor or management involvement, the 1987 Budget Reconciliation Act said that they cannot participate.

Those people have already been taken care of. Please read this amendment. What it says is that you are going to deny the funds to these people when it is made known to the Federal entity. When it is made known? How? When it is made known, it is going to be denied. And it is adjusted gross income of $100,000, adjusted gross income.

Come with me to Shafter, California, to Wasco, California, to Pixley, California. Who runs the tractor equipment shop? Who runs the fertilizer shop? Who are the small businessmen in these agriculturally oriented towns? The folks who farm as well. You deny them $100,000 gross income, and they are not either going to be able to be the businessmen or they are not going to be able to farm, and those small towns need both to survive.

It is a poorly conceived amendment. You are going after the wrong target. I am with you if you want to get the Sam Donaldsons and the passive people who do not really put labor or management into farms. We have already gotten rid of those folks. You are creating a nightmare in terms of IRS forms, and you are going to destroy small towns by taking small businessmen who are also farmers who provide two good services. And you are saying, you cannot do both.

It is a bad amendment. Please vote no.

AMENDMENT OFFERED MY MR. MINGE TO THE AMENDMENT OFFERED BY MRS. LOWEY

Mr. MINGE. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. MINGE to the amendment offered by Mrs. LOWEY: Line 8 is amended to insert the following language after the word ''person'': ''who resides in an incorporated municipality with a population that exceeds 50,000, as determined by the 1990 census, or the person''

Mr. DURBIN. Mr. Chairman, I reserve a point of order against the amendment to the amendment.

The CHAIRMAN. A point of order is reserved.

Under the previously agreed to unanimous consent agreement, the amendment by the gentleman from Minnesota is not separately debatable and must be dealt with in the time parameters now controlled by the gentleman from New Mexico [Mr. SKEEN] and the gentlewoman from New York [Mrs. LOWEY].

The Chair recognizes the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, I rise in support of the amendment being offered by the gentlewoman from New

York, and I would like to put this into a perspective that may not have been noted to this point in the debate.

Several years ago, the United States Congress passed a law which recognized that we have a limited amount of resources available to pay farmers in America. We came to the understanding that we cannot pay every farmer all of the eligible amounts that they might be entitled to under a program. So we said, there is a $50,000 payment limitation. No matter how large your farm might be, no matter how complicated your personal circumstances, that is it, $50,000.

Many farmers then raced off to meet with their accountants and attorneys to figure out how to get around it, how to put the farm in the brother's name or in the uncle's name, the son's and daughter's, wife and everybody so that they could split it up and everybody would get $50,000. But it did not work in some instances and some of the wealthy or bigger farmers in my part of the world basically got out of the program.

What the gentleman from New York is suggesting is that we recognize this reality again. It is not just a $50,000 payment limitation now. It is who will receive it. Who will receive it. Pick up your investment manuals, and you will find a lot of recommendations and advice on where to put your money. Stocks and bonds and mutual funds and investments and gold and silver and this and that, some will suggest, buy farmland. Good investment.

Well, the folks that make that decision, the investors who buy farmland are interesting people, but I do not think we should shed a lot of tears about those folks.

What we are dealing with here are people with off-farm income in excess of $100,000. How many farmers today receiving money under the program fall into that category? Off-farm income in excess of $100,000? A few Members of Congress, I might add. But 2 percent, overall 2 percent of the farmers have off-farm income in excess of $100,000. So are we going to decide now to sacrifice these programs and to cut back severely to benefit that 2 percent of investors? I hope not.

The CHAIRMAN. Does the gentleman from Illinois [Mr. DURBIN] have a point of order against the amendment offered by the gentleman form Minnesota to the amendment offered by the gentlewoman from New York?

Mr. DURBIN. Mr. Chairman, I withdraw my reservation of a point of order.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. STENHOLM].

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

Mr. STENHOLM. Mr. Chairman, I rise in opposition to this well-intended but having an entirely different effect amendment than the gentlewoman proposes.

It is true, several years ago, in fact, 1981, this Congress decided to move farm policy in a market-oriented direction and away from subsidization. And we have proceeded steadily in that direction and we will continue so in this year, the 1995 farm bill.

Applying an income test fundamentally modifies the function of agricultural programs and breaks the link between the programs and the accomplishments of national objectives under the current law. Producers would be excluded on the basis of a randomly selected income test.

Listen again to the answers of the gentlewoman from New York as she attempted to answer the questions of the gentleman from Kansas [Mr. ROBERTS]. She could not and would not for a very good reason. There are no good answers.

If she did answer them, there would in fact have been a point of order logically applied to this amendment, because we ought not to be dealing with these kind of matters on an appropriation bill. We ought to be debating them as we change the direction of farm policy.

If we want to go back to a fully subsidized, away from market-oriented direction, then let us do that in the 1995 farm bill. But to fundamentally change tonight by means testing, you simply will move away from market orientation.

The unintended consequences are many. Means testing could cause a decline in the number of producers who participate. We know what will happen with means testing. The 2 percent that we are talking about tonight will immediately cash rent their farms to their tenants. When you cash rent, that will have an obvious effect on that tenant farmer. The tenant farmer will have to go to the bank, will have to borrow the money to put it up. That is the rules of the FSA office today.

There are so many reasons to oppose this amendment tonight. I could go on, but time is limited.

□ 2245

Mr. Chairman, I urge opposition to the amendment, and would urge the gentlewoman to seriously consider withdrawing the amendment.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. ANDREWS].

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

Mr. Chairman, I rise to oppose the Minge amendment and support the underlying Lowey amendment. Mr. Chairman, this has been a revolutionary year, or promises to be a revolutionary year with respect to the budget of the United States. This Congress has made decisions to give school districts less money to teach children how to read, for better or for worse, I think for worse. It has made decisions to dredge fewer rivers. It has made decisions to raise rates of interest for students for student loans. It has made decisions to reduce school lunch allocations.

Now we are being asked to do the following: we are being asked to say that people who own farms, who have gross adjusted income other than from farming of more than $100,000 a year, other than from farming, should no longer be given a Federal welfare check.

In the same year, my colleagues, in which we are saying that we can cut back on school lunches and student loans and environmental protection, are we not ready to say to those who own farms and have income other than from farming, other than from farming, in excess of $100,000 a year, that it is about time that they took a cut, too?

If this is to be a revolutionary year in the Federal budget, let the revolution continue with the Lowey amendment. Support it. It is the right thing to do.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. LUCAS].

Mr. LUCAS. Mr. Chairman, most in America understand the term ''learn from our mistakes.'' However, it seems Congress sometimes forgets this fundamental dogma of society.

Does the author of this amendment realize that over the years numerous changes have been made in the way Federal farm program payments have been made, limited and targeted to certain individuals? These changes have always been made by the Committee on Agriculture and have had a wide variety of results, sometimes intended, sometimes not so intended.

Who does this amendment really impact? Banning the so-called wealthy landowners with large off-farm incomes from participating in the programs will create collateral damage, surely unforeseen by the author of this amendment. This amendment will not hurt rich people, it will hurt the small tenant farmers who rent from someone, who inherited their property, or left agriculture for other opportunities. These amendments hinge on many factors, or agreements, I should say, including crop yields, weather, good management, and yes, Federal farm programs.

If a source of income was stripped out of this equation, the small tenant farmer is likely to be pushed off the land or forced to move to a cash rent agreement, which moves all the production risk to the producer and away from the landowner.

Mr. Chairman, let me make a personal observation about this issue. I am a career farmer and rancher from western Oklahoma. I have experienced the euphoria of a bountiful harvest, and the financial burdens of a short crop. I know what it is like to be a young farmer just starting out, being primarily a cattle rancher, a cow-calf operation. It has been about 10 years since I have participated in any Federal program, and I have no plans to start in the future.

Being a Member of Congress, and the compensation that comes along with this job, the author's amendment would prohibit me from participating in any of these programs. I do not quibble with that. I do argue the fact that should I decide to change the focus of my agribusiness, this amendment would place a young farmer-rancher from my home county who is just trying to start out in farming at a disadvantage. With this limitation, Mr. Chairman, we force them to cash rent, take them out of crop share, put the burden only on the small producer, and wipe him or her out.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

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

Mr. Chairman, I rise in support of this amendment. Let me just make a couple of points. First, I think every one of us knows that farming is very tough work. It is backbreaking. It depends on weather and other vicissitudes far away from what people do. I think that there is a great deal of sympathy, with justification, for the American farmer. However, we are not really talking about the American farmer here. We are talking about people who have large, large non-farm incomes who are not farmers. They may own land, but they are not farmers.

Everyone says that this will decimate the farm programs. Mr. Chairman, let me tell the Members who we are dealing with. We are dealing with a number of people who receive less than 2 percent of all the deficiency payments, not 2 percent of the farmers. It is far less than 2 percent of the farmers. It is probably less than half of 1 percent of the farmers. It is 2 percent of the entire farm income. What does the average family farmer make? Between $30,000 and $35,000 for getting up early in the morning, working late at night, working hard, worrying about the weather. We are not talking about those people. We are talking about the people who do not deserve this kind of price support from the Government, and who ruin it for the rest of the farmers.

Every time there is one of these TV things on, the whole program gets knocked. If Members want to reform the program before it goes away, this is a very, very logical amendment to support, and I urge my colleagues to do it.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Arkansas [Mrs. LINCOLN].

Mrs. LINCOLN. Mr. Chairman, I thank the gentlewoman for yielding time to me.

With all due respect to the gentlewoman from New York, we are not talking about windowbox gardens, we are talking about large farming operations that provide an abundant and affordable food supply on the grocery stores shelves of this Nation.

I would like to reiterate what the chairman of the Committee on Agriculture, the gentleman from Kansas, [Mr. ROBERTS] says; it is impractical to try to implement this amendment. To the gentleman from California, we have taken care of the extreme situations like Sam Donaldson, with active participation language in the 1987 budget reconciliation. We are talking about the difference here between crop rent and cash rent. We are not hitting the people that the gentlewoman from New York is fully trying to get at. We are going to be damaging the small farmers across this Nation that are providing an affordable and abundant food supply on the grocery store shelves.

Mr. Chairman, I encourage my colleagues to vote against this amendment. With all due respect to the gentlewoman, I do believe she does not quite understand. I come from a seventh-generation farm family. Most of the farmers in my district are hard-working farmers. They understand, too, that if they do not have that subsidy in order to be able to pay back that cash rent, there is absolutely no way they will be able to continue farming.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Chairman, entitlement spending is the fastest growing portion of the Federal budget. And if we don't do something to slow the rate of growth now, in 35 years the entire budget will be spent on mandatory programs.

Most people know that Medicare and Social Security are entitlement programs, but they don't realize that farm subsidies and business tax breaks are entitlements, too. If we want to be even-handed about making spending cuts to eliminate the deficit, every mandatory spending program will have to be on the table.

The Lowey-Schumer amendment is a reasonable and fair approach to curbing farm entitlements. Let's face it, a farmer with an annual non-farm adjusted income of more than $100,000 doesn't need any more government handouts.

If we're serious about balancing the budget, and getting a handle on the growing national debt, we need to stop giving money to people who clearly don't need it.

Vote for the Lowey-Schumer amendment, and put some reasonable limits on farmers' access to the Federal trough.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN], the ranking minority member.

Mr. DURBIN. Mr. Chairman, since the gentleman from Minnesota offered his amendment under this restricted time, we will not have any time to debate it, but I would like to explain what he has done, or tries to do with his amendment. He wants to say it just is not a question of whether or not you happen to be a person with off-farm income over $100,000, he wants to limit it to only those people who live in incorporated municipalities with a population that exceeds 50,000. I guess that is the city folks he has gone after, but the fact is I live in a part of the world where rich people live out in the country, too. If we are going after folks with off-farm income in excess of $100,000, it really does not make any difference to me where they live.

Mr. MINGE. Mr. Chairman, will the gentleman yield? I think he has misinterpreted the amendment.

Mr. DURBIN. I do not thing I have.

Mr. MINGE. Yes, he has turned it inside out.

Mr. DURBIN. What we have here is a restriction that only applies to those who reside in incorporated municipalities. I do not know what the gentleman is doing this for, but frankly, it goes beyond the intent of the amendment offered by the gentlewoman from New York. I hope we will defeat the amendment offered by the gentleman from Minnesota [Mr. MINGE], and then adopted the amendment offered by the gentlewoman from New York [Mrs. LOWEY].

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

Mr. Chairman, the intent of this amendment is very clear. We want to be sure that the farm subsidy programs are helping the farmers who are farming the land, keeping the farmers on their land. This amendment only pertains to those people, too often very wealthy investors with more than $100,000 in off-farm income.

We understand many of the questions which have been posed to us today. They are just not relevant. This amendment only pertains to those investors with off-farm income over $100,000. They should not be receiving a subsidy in these very difficult times. We were on a committee today that was cutting student loans and cutting all kinds of programs that help our people in all of our communities around this country. Why should somebody with an income over $100,000 get a farm subsidy paid for with taxpayer dollars? It is the right thing to do. I hope Members will support this amendment.

Mr. SKEEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Nebraska [Mr. BARRETT].

(Mr. BARRETT of Nebraska asked and was given permission to revise and extend his remarks.)

Mr. BARRETT of Nebraska. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, in the interests of time, I rise in strong opposition to the amendment offered by the gentlewoman from New York [Mrs. LOWEY].

Mr. Chairman, I rise in opposition to the Lowey amendment, to limit farm program payments based on a producer's off-farm income.

You've already heard it said on the floor today, you've heard it from other members of the Agriculture Committee, and now I'm going

to say it again. This is not the time, nor the proper bill, to be reforming and tinkering with Federal farm programs.

In just 2 months, we will have a farm bill out here on the floor, and I will welcome debate on this issue. Save your amendment for that time.

Agriculture will do its share and more, toward deficit reduction and a balanced budget. We're going to report out a farm bill that saves $13.4 billion in mandatory farm program spending over the next 7 years, just as was proposed in our final budget resolution. That's a chunk of money out of the pockets of the people who put the food on your table, but we are going to do it.

Finding that $13.4 billion in savings may mean that we may have to abandon totally the whole price-support, supply-management farm program we've had around since the 1930's. I can assure you as chairman of the subcommittee that will start to draft the farm bill, that we are looking at all alternatives.

We may bring out a bill that has an expanded payment limitation, tied to off-farm income as proposed in this amendment; or the issue may be moot under some new agriculture support system. The amendment proposes a cut-off of $100,000—how do we know if that is the correct cut-off, without knowing the context of the program for the next 5 or 7 years?

Let's wait and debate payment limitations in the proper context, that being the 1995 farm bill. Oppose this amendment.

Mr. SKEEN. Mr. Chairman, I yield the final 1 minute to the gentleman from Idaho [Mr. CRAPO].

Mr. CRAPO. Mr. Chairman, we have had lots of folks here from large metropolitan areas telling us how we should micromanage our farm program. However, once again, those who would like to micromanage this program have created a rule that is going to hurt the very people that they say they are trying to help. What will this program, which affects at most only 1.7 percent of the participants in agriculture, do? It is going to do just as other speakers have said. It is going to cause those landowners who then will not be able to participate in this program to shift from their rent programs to cash rent programs. Then the risk is all going to be shifted to the tenants.

This will allow the landlord to protect against his loss, and the tenants will then not be able to share with the landlord some of the benefits of this program. The tenant will then have his ability to secure bank financing risked and put at jeopardy, and the net result will be no loss of income to those who are being attacked in this proposal, and instead, an economic harm to the farmer-tenant.

Why should we take a step now in this House to try to micromanage the farm plan when the Committee on Agriculture, which is served by those who understand these programs, is going to be getting a full review of it in the next few months? Let us let those who know what is going to be done by these programs do the managing.

Mr. FAZIO of California. Mr. Chairman, I rise in opposition to the amendment offered by my good friend, Congresswoman NITA LOWEY, which would prohibit commodity payments to producers with off-farm income exceeding $100,000.

This amendment is short-sighted because it severely undervalues the critical importance of the off-farm contribution to agriculture.

But I also think it conveys a basic lack of understanding of what is happened on the farm in the U.S. today.

First, let's realize how small a target the gentlelady is shooting at—the Department of Agriculture tells us that the households targeted by the this amendment represent less than 2 percent of all farm operator households and receive just 2.3 percent of all deficiency payments.

Second, let's examine the American firm today so we can put this amendment in a little context.

Today, only 57 percent of the 945 million acres of U.S. farmland is actually owned by those who farm it. The rest is cash-rented or crop-shared.

Excluding this rented land from payments would undermine the conservation and supply control objectives of Federal farm policy.

It is important to remind my colleagues that these are not income distribution programs.

We are talking about price stabilization programs for important crops which, in turn, permit American consumers to pay less of their incomes for food than any other country in the world.

We are talking about conservation programs for important cropland to protect our farmlands from erosion and to protect our waterways from excessive runoff.

Without the incentive of farm payments, these owners would be longer be bound by strict conservation and land management rules.

As a result, we would jeopardize vast amounts of environmentally sensitive land, and we would impair the ability of the program to stabilize markets for important crops.

We must also remember that these owners share the financial risks of crop production with farm operators. These off-farm investors infuse significant capital into the agricultural sector, generating many of the jobs, and much of the economic activity in rural America.

Without this capital, farmland values could decrease, creating equity problems for farmers and creditors alike.

This investment is a critical source of funding for those who would not be able to farm otherwise.

This amendment would deny the right to farm to thousands of young farmers who are starting off with limited resources, and who lack the large amounts of cash that would be needed to buy their own land in order to farm.

These owners are, in many cases, retired farmers, or sons and daughters of farmers, who are only trying to keep the farm in the family. Often, they make it possible for their siblings or offspring to remain on the farm.

In short, farm programs are not welfare programs. income tests like this amendment help to discourage productivity and efficiency, and in the long run, undermine the competitiveness of U.S. agriculture in world markets.

I strongly oppose the gentlelady's amendment, and I urge my colleagues to vote "no" on the Lowey amendment.

Ms. HARMAN. Mr. Chairman, imagine this scenario: A so-called farmer who lives in a fancy Los Angeles home, drives a luxury car, and enjoys a salary of well over $100,000 from a downtown Los Angeles business may receive a check every year from the U.S. Department of Agriculture as a deficiency payment for the wheat on his Kansas farmland. He may never even visit this land, yet checks are delivered, without fail, to his home in Los Angeles every year.

Unbelievably enough, checks for gentlemen farmers just like this are arriving in mailboxes in big cities across the country at taxpayer expense. There are 735 so-called farmers receiving subsidies in the city of Los Angeles alone, and I know they are not living on family farms. They may grow tomatoes in their backyards, but certainly not wheat, rice, feed-grain or cotton—the crops for which deficiency payments are made.

The U.S. Government has been paying so-called farmers who live in big cities and have an annual adjusted gross income of $100,000 or more from off-farm sources far too long. Over the past decade, taxpayers have paid more than $1.3 billion to city-dwelling farmers whose permanent full-time residence is in the heart of one of the 50 most populous urban areas in the United States.

I strongly support the Lowey amendment, and I encourage all of my deficit hawk colleagues to join me. During a time when reducing the deficit is of tantamount importance, this Government handout should be among the first to go. This amendment will save taxpayers $41 million in fiscal year 1996 alone.

As a supporter of the balanced budget, I believe that cutting payments like those to city-dwellers making over $100,000 is critical to achieving our goal. For this deficit hawk, there are many tough budget choices ahead, but this is not one of them. Cutting subsidies for those who don't need them is fiscally responsible, and it's the right thing to do.

This amendment will keep subsidies out of the hands of wealthy, nonresident farmowners who don't need or deserve them without curtailing subsidies to hardworking, family farmers. Please join me in supporting the Lowey amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Minnesota [Mr. MINGE] to the amendment offered by the gentlewoman from New York [Mrs. LOWEY].

The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York [Mrs. LOWEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mrs. LOWEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 158, noes 249, answered "present" 8, not voting 19, as follows:

[Roll No. 545]

AYES—158

Ackerman	Barrett (WI)	Berman
Andrews	Becerra	Bilbray
Barcia	Beilenson	Bilirakis

Blute
Borski
Brown (OH)
Bryant (TX)
Bunn
Cardin
Clay
Collins (IL)
Conyers
Coyne
Davis
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dixon
Doggett
Doyle
Duncan
Durbin
Engel
Ensign
Eshoo
Evans
Fattah
Fawell
Filner
Flake
Flanagan
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frisa
Furse
Gejdenson
Gilman
Gonzalez
Graham
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Harman
Hinchey
Holden
Horn
Inglis
Istook
Jackson-Lee
Jacobs
Johnson (SD)
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
Klug
LaFalce
Lantos
Largent
Lazio
Levin
Lewis (GA)
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Markey
Martini
Mascara
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Menendez
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Moran
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Payne (NJ)
Pelosi
Petri
Porter
Ramstad
Rangel
Reed
Rivers
Rohrabacher
Roukema
Roybal-Allard
Royce
Rush
Salmon
Sanders
Sanford
Scarborough
Schroeder
Schumer
Sensenbrenner
Shadegg
Shaw
Shays
Slaughter
Smith (WA)
Stearns
Stockman
Stokes
Stupak
Talent
Tate
Torkildsen
Torres
Torricelli
Towns
Tucker
Upton
Velazquez
Vento
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Woolsey
Wyden
Zimmer

NOES—249

Abercrombie
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bevill
Bishop
Bliley
Boehlert
Boehner
Bonilla
Bonior
Bono
Brewster
Browder
Brown (FL)
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dingell
Doolittle
Dornan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Farr
Fazio
Fields (LA)
Fields (TX)
Foley
Forbes
Fowler
Franks (CT)
Frost
Funderburk
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Goodlatte
Gordon
Goss
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kasich
Kelly
Kim
Kingston
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
Lucas
Manton
Manzullo
Matsui
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Meek
Metcalf
Mink
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roth
Sawyer
Saxton
Schaefer
Schiff
Scott
Seastrand
Serrano
Sisisky
Skaggs
Skelton
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stenholm
Stump
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Traficant
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff

ANSWERED ''PRESENT''—8

Dooley
Ewing
Ganske
Meyers
Myers
Sabo
Skeen
Smith (MI)

NOT VOTING—19

Boucher
Brown (CA)
Collins (MI)
Dreier
Foglietta
Gallegly
Gibbons
Goodling
Jefferson
Martinez
Moakley
Reynolds
Shuster
Solomon
Stark
Studds
Volkmer
Wilson
Yates

□ 2319

Mr. EWING changed his vote from ''no'' to ''present.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. SMITH of Michigan. Mr. Chairman, inasmuch as I have a pecuniary interest in the amendment offered by the gentlewoman from New York [Mrs. LOWEY], I am abstaining from rollcall vote No. 545.

Mr. SKEEN. Mr. Chairman, I move to strike the last word.

I think my colleagues may be interested in hearing this.

Mr. Chairman, I would like to present this proposal to give us a road map, and I hope that we have got agreement. To begin with, no more votes tonight. We will finish the debate on everything on the bill, debate only, with the exception of MPP, which we will take up tomorrow morning under the following agreement: Zimmer, 60 minutes; Obey, 10 minutes; Kennedy, 20 minutes; Deutsch, 20 minutes.

Tomorrow we would proceed as follows: The House will meet at 10 a.m. We will do 10 1-minutes on a side, rule on the transportation bill, general debate on transportation, get into transportation for about an hour. Then we would rise after the first vote is ordered, take record votes on the agriculture bill rolled from this evening, 5-minutes to summarize Hoke, take debate plus the votes on MPP as I described, and the final passage on the agriculture bill and hope to go home by 3 p.m., not a.m.

□ 1120

Mr. SKEEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. LAHOOD] having assumed the chair, Mr. KLUG, Chairman of the Committee of the Whole House on the State of the Union reported that the Committee, having had under consideration the bill (H.R. 1976) making appropriations for Agriculture, rural development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1996, and for other purposes, had come to no resolution thereon.

LIMITING AMENDMENTS TO BE OFFERED DURING FURTHER CONSIDERATION OF H.R. 1976, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATION ACT, 1996

Mr. SKEEN. Mr. Speaker, I ask unanimous consent during further consideration of the bill H.R. 1976 in the Committee of the Whole pursuant to House Resolution 188 on the legislative day of Friday, July 21, 1995, after disposition of any questions earlier postponed under the authority granted by the order of the House of July 19, 1995, no further amendment shall be in order except the following—

First, the amendment of Representative ZIMMER, to be debatable for 60 minutes;

Second, the amendment of Representative OBEY, to be debatable for 10 minutes;

Third, the amendment of Representative KENNEDY of Massachusetts, to be debatable for 20 minutes; and

Fourth, the amendment of Representative DEUTSCH, to be debatable for 20 minutes, and further—

That each amendment—

First, may be offered only in the order specified;

Second, may be offered only by the specified proponent or a designee;

Third, shall be considered as read;

Fourth, shall be debatable for the time specified, equally divided and controlled by the proponent and an opponent;

Fifth, shall not be subject to amendment, except as specified; and

Sixth, shall not be subject to a demand for division of the question in the House or in the Committee of the Whole, and further—

That when proceedings resume after postponement on the amendment offered by Representative HOKE, that amendment shall again be debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

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

Mr. WAXMAN. Reserving the right to object, Mr. Speaker, I wish to inquire of the subcommittee chairman the time limits he indicated, are those for debates for this evening on those amendments?

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

Mr. WAXMAN. I yield to the gentleman from New Mexico.

Mr. SKEEN. No, Mr. Speaker.

Mr. WAXMAN. Those are for debate for tomorrow?

Mr. SKEEN. Yes.

Mr. WAXMAN. And what will we debate this evening?

Mr. SKEEN. Tonight we do whatever anybody brings up tonight.

Mr. WAXMAN. So we will go on with other amendments?

Mr. SKEEN. And then roll the votes until tomorrow and do the MBP tomorrow.

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

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

There was no objection.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATION ACT, 1996

The SPEAKER pro tempore. Pursuant to House Resolution 188 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1976.

□ 2325

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1976) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1996, and for other purposes, with Mr. SHAYS (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier tonight, the amendment offered by the gentlewoman from New York [Mrs. LOWEY] had been disposed of.

Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. HOKE

Mr. HOKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOKE: Page 71, after line 2, insert the following new section:

SEC. 726. The amounts otherwise provided in this Act for under the heading ''Public Law 480 Program Accounts'' are hereby reduced by the following amounts:

(1) The amount specified in paragraph (1) under such heading, $129,802,000.

(2) The amount specified in paragraph (2) under such heading, $8,583,000.

(3) The amount specified for the cost of direct credit agreements, $104,329,000.

Mr. HOKE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 30 minutes.

Mr. DURBIN. Reserving the right to object, Mr. Chairman, is there a problem with 20 minutes? 25?

Mr. SKEEN. OK; 25 minutes.

The CHAIRMAN pro tempore. Is there objection to the amended request of the gentleman from New Mexico?

Mr. POMEROY. Reserving the right to object, Mr. Chairman, does the amendment go to the appropriate title? To which title does the amendment address?

The CHAIRMAN pro tempore. The gentleman is adding a new section to the end of the bill.

Mr. POMEROY. To the end of the bill?

The CHAIRMAN pro tempore. Yes.

Mr. POMEROY. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Mexico?

Mr. HOKE. Reserving the right to object, Mr. Chairman, just for clarification, the time will be controlled by me on our side and by someone that the chairman will designate in opposition.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Ohio [Mr. HOKE] will be recognized for 12½ minutes, and the gentleman from Illinois [Mr. DURBIN] will be recognized for 12½ minutes.

The Chair recognizes the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, Congressman MEEHAN and I are offering an amendment that would reduce the funding level for title I of the Agricultural Trade Development and Assistance Act of 1954 by $113 million to the level requested by the President and approved in the fiscal year 1996 budget resolution that we passed.

Our amendment does not reduce title II emergency humanitarian food aid, nor does it reduce title III food grants for the poorest countries. Indeed, the Hoke-Meehan amendment would not deny humanitarian food aid to Bosnia or any other war-torn or impoverished country.

Under title I, U.S. agriculture commodities are sold on long-term credit at below market interest rates. The original objective of title I was to move large amounts of surplus U.S. agricultural commodities. In the 1950's the program amounted to more than 80 percent of U.S. food foreign aid and fully 20 percent of the total value of U.S. agricultural exports.

Today we no longer possess huge agricultural surpluses. In 1994, title I represented only about 10 percent of U.S. food foreign aid and less than one-half of 1 percent of all U.S. agricultural exports.

Supporters of title I claim that it promotes economic development, but according to the GAO and the U.S. Department of Agriculture, title I's contribution to sustainable economic development is minimal.

In fact, title I sometimes results in a short-term increase in the food supply of some recipient countries, which in turn drives down the price of local farm products and distorts the agricultural markets of those countries. This has resulted in reduced domestic agricultural production, ultimately defeating our purpose of fostering long-term sustainable economic development.

In fact, it is for that very reason that Egypt and Pakistan, whose local farm economies were disrupted by title I assistance, have pulled out of the program completely.

Some supporters argue that title I develops foreign markets for U.S. agribusiness conglomerates that they might not otherwise have. But GAO has found that because title I subsidizes agricultural commodities at below market rates, whatever market shares may be gained by U.S. companies in the short term won't necessarily develop into long-term commercial relationships at prevailing market prices. In other words, once the subsidy is eliminated, the market no longer exists.

What title I does accomplish is it enriches a small number of giant agribusiness conglomerates, like Archer-Daniel-Midlands, Cargill, Bunge, and Continental Grain Co., all of whom maintain a well-funded stable of Washington lobbyists.

So we have to ask what possible justification is there for an 80-percent increase in the title I program above the administration's request and the budget resolution, especially when we are trying to balance the budget.

The Hoke-Meehan amendment does not affect humanitarian aid in any way whatsoever. It does not touch title II or title III. Rather, the Hoke-Meehan amendment is about ending corporate welfare in the form of Federal subsidies for a program that not only does not work, but which has actually harmed the very people we have intended to help.

This is a clear example of what happens when you give a person a fish, but refuse to teach them how to fish.

Thus, I strongly urge my colleagues to vote for the Hoke-Meehan amendment that will conform title I's funding level to that approved by the fiscal year 1996 budget resolution.

□ 2330

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

Mr. SKEEN. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. LIVINGSTON].

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

Mr. LIVINGSTON. Mr. Chairman, this well-intended amendment is what I would call the shoot-yourself-in-the-foot amendment. It is P.L. 480 funding which in fact over the years has been cut by 24 percent, just in the last 2 years. Total food aid tonnage has dropped from 8 million tons in 1993 to an expected 4 million tons in 1995, a 50 percent cut. The United States has retreated from giving food to the hungry. Other donor countries have not been able to fill the gap, and 750 million people in the world are hungry each and every day of their lives.

Half of these people are children. If the children survive, most will suffer from lifelong disabilities and disease due to poor health and nutrition. We can and have helped millions of people through our Food and Peace Program and our Food for Progress Programs. But we cannot if we cut this program.

Each dollar spent on food aid in this program has at least a double impact. First, the funds are spent here in the United States to grow, process, fortify, bag, can, rail, barge and ship agricultural commodities.

Second, the commodities are provided to poor countries that cannot afford to buy adequate amounts of food to meet basic needs.

In the marketing year 1992–93, 40 countries that had graduated from U.S. food assistance programs imported $13 billion of agricultural products from the United States, which was 31 percent of U.S. agricultural exports that year.

The proposed cuts in P.L. 480 will cause pain not only for the countries that are recipients of our largesse, but also for our own people. We will deny money to the people that are starving, the chronically hungry. The food that is not sent to them which is used in the program not only provides food for today for them but also is linked to their health care, to their education, to their work programs, which provide opportunities for people tomorrow.

Most importantly, in sum, Mr. Chairman, if we cut the money in this program, we will be denying jobs to Americans, American citizens, farmers, grocers, shippers, longshoremen, et cetera, et cetera, et cetera. People are dependent on this program in this country and around the world, and if we cut this program as severely as the gentleman has suggested, we will indeed be shooting ourselves in both feet.

Mr. DURBIN. Mr. Chairman, I yield 2 minutes and 30 seconds to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Chairman, I rise in very strong opposition to the Hoke amendment to cut $113 million from the Food for Peace program. Mr. Chairman, the food assistance provided by P.L. 480 is not a favor we do for the world. For 40 years Congress has supported the Food for Peace program on a bipartisan basis because it serves our interests. P.L. 480 not only responds to the humanitarian needs of people suffering from food shortages; it enhances our national security by promoting economic development and political stability in less developed countries while cultivating markets for U.S. agricultural commodities.

The Food for Peace program is an important part of our Nation's foreign policy. In North Dakota we strongly believe an ounce of prevention is worth a pound of cure, and P.L. 480 is that ounce of prevention. By promoting economic development and political stability in less developed nations, P.L. 480 is a very cost-effective insurance policy against political unrest and even military conflict that could threaten our own national security.

P.L. 480 also benefits our economy by cultivating foreign markets for U.S. agriculture exports. In fact, 43 of our top 50 consumer nations of American agriculture exports were once U.S. foreign aid recipients. Between 1990 and 1993, U.S. exports to developing and transition nations increased. Exports increased $46 billion.

Finally, P.L. 480 is a vital tool in the post-GATT era. While the Uruguay round ratchets down export subsidies, other market development tools are no longer available. If history is our teacher, we know that the Europeans will redirect export subsidy reductions into GATT-legal market development programs. For us to cut programs like P.L. 480 is engaging in unilateral disarmament while other nations seek to develop their international markets.

□ 2340

Those who seek to destroy our export programs, like the amendment before us represents, will reap what they sow: lost jobs, a weaker economy, and little hope of regaining our share of the international market.

Mr. Chairman, P.L. 480 feeds the hungry, supports our foreign policy objectives, and provides vital support for U.S. agriculture exports. Therefore, I strongly urge my colleagues to vote against the Hoke amendment.

Mr. DURBIN. Mr. Chairman, I would like to yield 30 seconds to the gentleman from Missouri [Mr. SKELTON].

The CHAIRMAN pro tempore. The gentleman from Ohio [Mr. HOKE] has the time.

Mr. HOKE. Mr. Chairman, I would be happy to go out of order and allow the gentleman from Illinois [Mr. DURBIN] to yield 30 seconds to the gentleman from Missouri [Mr. SKELTON].

Mr. DURBIN. Mr. Chairman, I yield 30 seconds to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. I much appreciate the gentleman yielding time to me, Mr. Chairman.

Mr. Chairman, as has been pointed out by two speakers tonight, the pole star of this whole debate is the fact that those countries that once were the recipients of this food for peace have graduated and are part of the export market of the United States of America. As we work on this amendment, as we think about it, we should think about the future, because our future is in exports, that is the balance of trade. That is where we make our money as a Nation.

Mr. HOKE. Mr. Chairman, I yield myself 15 seconds to say this is not humanitarian aid, this is not food grants for the poorest countries; these are grants to big agriconglomerates. This is corporate farm welfare.

Mr. Chairman, I am delighted to yield 3 minutes to the distinguished gentleman from Massachusetts [Mr. MEEHAN] cosponsor of the amendment.

Mr. MEEHAN. Mr. Chairman, this amendment will bring some reason back to the expenditure of taxpayer money for the Public Law 480, title I program. The present funding level in the bill is $120 million above the administration's request. That is an incredible 80 percent above the administration's request.

In a letter to the Committee on Appropriations, OMB Director Alice Rivlin expressed the administration's opposition to this increase in funding. As Director Rivlin stated, ''The subcommittee has funded P.L. 480 in excess of the President's request, title I has been shown to have limited effectiveness in advancing its goal of market development. The administration urges the committee to reduce this program so that higher priority programs can be funded.''

As with scores of other Federal programs, this initiative, when begun, had a valid policy purpose. In the 1950's, impediments such as the inconvertibility of foreign currencies, and the lack of foreign exchange held by potential customers, limited the commercial export of large domestic agricultural commodity surpluses. The situation that now exists is a far cry from the circumstances that existed in the 1950's. Even though this program has been redirected in recent years these reforms have not solved many of its inherent problems.

In a recent report, the GAO stated ''the importance of title I, domestically and internationally, has declined significantly since the program's inception. Increased food aid donations from other countries and the establishment of new USDA export assistance programs has reduced the importance of title I aid as a humanitarian, surplus disposal, and export assistance program.''

Programs such as the Commodity Credit Corporation's short and intermediate-term credits, and the Export Enhancement Program, are also designed to penetrate new markets. In light of these complementary programs the current funding level in the bill for title I is excessive.

I wish to assure my colleagues that this funding in no way diminishes the emergency and humanitarian food programs available through title II and III of P.L. 480. Nor is this amendment an attack on the ocean freight differential, otherwise known as cargo preference.

This amendment is about providing a responsible level of funding for a program that needs additional reform and focus in order for it to accomplish its stated goal.

The reduction provided for in this amendment will still enable the U.S. Department of Agriculture to continue this program, and to support the expansion of markets in developing countries.

I urge my colleagues to support the amendment.

Mr. SKEEN. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri [Mr. EMERSON].

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

Mr. EMERSON. Mr. Chairman, I thank the distinguished chairman of the subcommittee for yielding time to me.

Mr. Chairman, I rise today in very strong opposition to this amendment, which would effectively cause very significant harm, and would undermine an important market-building tool for this Nation's agricultural industry. Forty-three out of 50 countries that used to be recipients of U.S. food aid have developed into cash-paying customers of U.S. agricultural commodities. Titles I, II and III of P.L. 480 each have a distinct purpose in helping recipients evolve from nations in chronic poverty to countries with stable economies, and to diminish these operations undermines the integrity of the program overall.

Public Law 480 is a very unique foreign aid program. I would appreciate Members' attention to this. Each dollar spent on food aid has an impact here in the United States, as well as the recipient Nation. First, the funds are spent in the U.S. to grow, process, fortify, bag, can, rail, barge, and ship agricultural commodities. Then the commodities are provided to poor countries that cannot afford to buy adequate amounts of food to meet very basic needs.

Title I, the portion of food aid that is committed to countries that exhibit long-term potential to become customers of U.S. agriculture, is a meaningful program that allows countries to make the transition between grant beneficiaries to commercial customers of U.S. commodities. As such, the authorizers and the appropriators have agreed that it is very important that we maintain funding for this program at the 1995 level, the Committee on Appropriations and the Committee on Agriculture, to meet the overall budget numbers. The plan presented in H.R. 1976 achieves this designated goal.

Title I is a particularly important aspect of the P.L. 480 program because it is targeted at developing commercial markets for U.S. commodities. Many examples exist of countries that have successfully made the transition from a concessional buyer to a hard cash purchaser, one of the most poignant being Egypt, which now buys nearly one-half billion dollars a year in U.S. wheat and feed grains.

How can we dispute the merits of investing in a program that has been so successful in cultivating a customer that now constitutes about 1 percent of our total agricultural exports through its bulk grain imports alone? Let us not forget that the half-billion that Egypt now spends on grains creates an estimated 10,000 jobs right here in the United States.

The CHAIRMAN pro tempore. The Chair will inform the Members that the gentleman from Ohio [Mr. HOKE] has 1½ minutes remaining, the gentleman from Illinois [Mr. DURBIN] has 3¼ minutes remaining, and the gentleman from New Mexico [Mr. SKEEN] has 15 seconds remaining.

PARLIAMENTARY INQUIRY

Mr. HOKE. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. HOKE. Is it correct that we had 12½ minutes to begin with, Mr. Chairman?

The CHAIRMAN pro tempore. The gentleman is correct. The gentleman is correct, our time is not correct. We will correct that. The gentleman from Ohio [Mr. HOKE] has 5½ minutes remaining.

Mr. HOKE. Could the Chair review all of the times, please?

The CHAIRMAN pro tempore. The Chair would be delighted to. The gentleman from Ohio [Mr. HOKE] has 5½ minutes remaining, the gentleman from Illinois [Mr. DURBIN] has 3¼ minutes remaining, and the gentleman from New Mexico [Mr. SKEEN] has 15 seconds remaining.

Mr. HOKE. Mr. Chairman, who has the right to close the debate?

The CHAIRMAN pro tempore. The committee position closes the debate.

Mr. HOKE. Therefore, the gentleman from New Mexico, with 15 seconds, gets to close debate.

The CHAIRMAN pro tempore. He may ask time from the gentleman from Illinois, but the committee position closes.

Mr. HOKE. Mr. Chairman, I yield 90 seconds to the distinguished gentleman from California [Mr. ROYCE].

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

Mr. Chairman, I rise in support of this amendment, which would reduce spending for Public Law 480 to the level requested by the administration, and to the level provided for in the budget resolution which we adopted in May. The level proposed in the bill for this program is approximately 80 percent more than the administration requested. It exceeds the adopted 1996 budget resolution assumptions by more than $100 million.

Proponents argue that the amount in the bill is the same as the current year level. However, those levels have been proposed for rescission, and a GAO study completed just three weeks ago at the request of the House and Senate authorizing committees concludes that, and I am going to quote from that GAO report, concludes that the program as currently instructed does not significantly advance either the economic development or the market objectives of the 1990 act.

□ 2350

That GAO report goes on to say that the program should either be seriously restructured or should be scrapped entirely. I believe we should take the time to study the GAO report findings before we dump $100 million more into this program than was requested.

I urge my colleagues here to vote ''aye.''

Mr. DURBIN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me say in opposition to this amendment, I hope that the gentleman who is offering this amendment will be sensitive to the fact that we have cut Public Law 480 funding 24 percent over the past 2 years. The needs around the world have gotten much worse. Some 750 million people are hungry each and every day of their lives. This debate here turns on budgetary terms, dollar amounts, outlays and budget authority. But anyone who has traveled overseas and actually seen what the Public Law 480 program means to real living people I think can put it in a new perspective. The United States has a reputation of being a generous, charitable country, and we have come to the rescue of many people in distress in the past. Public Law 480 has been one of our best efforts. What the gentlemen from Ohio and Massachusetts seek to do with their amendment is to cut some 500,000 metric tons of food aid in the next year. They insist that this will not hurt starving people, but history tells us they are wrong.

Last year funds from Title I were shifted to Title II to cover some of the emergency food aid needs in the Rwandan crisis. This year additional emergency food aid is needed in Rwanda, Burundi, parts of the former Yugoslavia and the Soviet Union. Who knows where next year's crises will be? We do know that if the Hoke-Meehan amendment is adopted, fewer funds and no surplus commodities will be there to provide in response.

I know that it is not fashionable politically to be in support of food aid programs for starving people overseas.

There are not many people who will cheer you back in your district for that. But the bottom line is this program has been around for 30 years and has been a great source of pride to Americans as we have seen heart-wrenching pictures on television and in the news media which have called our attention to the fact that with all our challenges in the United States, there are other places in the world in far worse conditions.

This cut in Title I may seem very easy to us sitting here in the comfort of the United States of America. But for the people who are literally starving to death halfway around the world, this is a cut that should not take place. Our committee considered this Public Law 480 and actually made a reduction below last year's expenditure. What we are trying to do now is to appeal to the gentlemen offering this amendment and those who will vote on it and ask them to take into consideration that there still will be a role for the generosity and charity of the United States in helping those poor people overseas who literally are the least of our brethren.

I rise in opposition to this amendment, and I hope my colleagues will join me in voting against it.

Mr. HOKE. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. ZIMMER].

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

Mr. Chairman, the gentleman from Illinois referred to humanitarian aid and aid for those in the throes of poverty and those who are afflicted by warfare. Those portions of Public Law 480 are not affected by this amendment. This amendment deals with title I which was designated as a way to get rid of America's huge agricultural surpluses back when we had huge surpluses. Today title I is a program that gives good intentions a bad name. It wrecks local farm economies in countries we are trying to help by driving down the cost of food so local farmers cannot compete and earn a decent price. It creates short-term opportunities for select shippers and a coterie of exporters and shipping companies. But this is an advantage that is temporary and fleeting. It is a hothouse situation, because it depends on the below-market financing that is provided.

One point that has not been mentioned is that this program provides a tremendous opportunity for corruption in the countries that are receiving the assistance, and some of the recipients of money under this program are amongst the most corrupt in the world.

Mr. Chairman, I believe that what we should do with this amendment is simply to reverse an astounding 80 percent increase that the committee adopted over the President's request and over our own budget resolution, keeping the essential and humanitarian aspects of this law and removing that part which is not justified.

Mr. HOKE. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN pro tempore (Mr. SHAYS). The gentleman from Ohio [Mr. HOKE] is recognized for 2 minutes.

Mr. HOKE. Mr. Chairman, the opponents of this bill would like you to believe that what this bill is about is humanitarian aid and food aid and Food for Peace and all of these wonderful sounding things that none of us would ever want to oppose. But the fact is that that is not what this is about. What this is about is the baldest kind of corporate welfare, the very kind of corporate welfare that we are trying to eliminate, and in this case it is agri-corporate welfare. The money goes to the largest conglomerates of agriculture in the United States. It also goes to some shippers on a smaller basis. But this title does not in any way go to humanitarian or emergency aid. It is exactly the kind of subsidies that not only are wrong because they give disproportionate amounts of money to companies in the private sector that ought not get them but it is also wrong because what it does is it actually creates problems for the countries that receive the money themselves and it creates a kind of a welfare dependence that has been well-documented in other places with respect to the bad impacts that it has had on those local economies. It has happened in Africa, it has happened in El Salvador with respect to milk products, and we continue to do this.

This is not to help with humanitarian aid foreign countries that are truly poor and need the help. This is to help American agri-conglomerates that simply do not need it. I strongly urge my colleagues to look at this carefully and closely and to adopt this amendment. It is going to exactly what we already passed in this House and it goes to exactly what the President and the administration have called for.

Mr. SKEEN. Mr. Chairman, I have 15 seconds in which to close this thing. I oppose this vehemently and strongly and urge a ''no'' vote on it. I thank the Chairman for the 15 seconds.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio [Mr. HOKE].

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

RECORDED VOTE

Mr. HOKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Wednesday, July 19, further proceedings on the amendment offered by the gentleman from Ohio [Mr. HOKE] will be postponed.

AMENDMENT NO. 41 OFFERED BY MR. MC INTOSH

Mr. MCINTOSH. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 41 offered by Mr. MCINTOSH: At page 71 of the bill, after line 2, insert after the last section the following new section:

SEC. 726. None of the funds made available in this Act shall be used to increase, from the fiscal year 1995 level, the level of Full Time Equivalency Positions (whether through new hires or by transferring full time equivalents from other offices) in any of the following Food & Drug Administration offices: Office of the Commissioner, Office of Policy, Office of External Affairs (Immediate Office, as well as Office of Health Affairs, Office of Legislative Affairs, Office of Consumer Affairs, and Office of Public Affairs), and the Office of Management & Systems (Immediate Office, as well as Office of Planning and Evaluation and Office of Management).

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Mexico?

Mr. DURBIN. Mr. Chairman, reserving the right to object, is 10 minutes acceptable?

Mr. SKEEN. If the gentleman will yield, it certainly is acceptable to me, Mr. Chairman.

Mr. MCINTOSH. Mr. Chairman, if the gentleman will yield, I have about 6 or 7 minutes.

Mr. SKEEN. Shall we make it 12 minutes?

Mr. DURBIN. Twelve minutes is acceptable.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Indiana [Mr. MCINTOSH] will be recognized for 6 minutes, and 6 minutes will be equally divided between the gentleman from New Mexico [Mr. SKEEN] and the gentleman from Illinois [Mr. DURBIN].

The Chair recognizes the gentleman from Indiana [Mr. MCINTOSH].

□ 0000

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

Mr. Chairman, this amendment deals with the employment in the front office at FDA. The FTE levels at FDA's nonoperational managerial offices have increased by over 25 percent from fiscal year 1989 levels. This growth in overhead expenditures represents an inefficient use of resources that must be reversed.

The savings that will be achieved in overhead reductions can be used to redirect their efforts toward hiring additional employees to provide additional approval for much-needed drugs, devices and other medical products. Such a reinvestment will increase the ability of the agency to timely review product applications.

The amendment I am offering would prevent an increase from the fiscal year 1995 levels in the level of full-time employees in the following offices: the

Office of the Commissioner, the Office of Policy, the Office of External Affairs, and the Office of Management Systems.

Mr. Chairman, this is one of several amendments that I was planning to offer tonight. The other amendments I am not going to offer. I have spoken with the gentleman from Virginia [Mr. BLILEY], the chairman of the authorizing committee, and the gentleman from Florida [Mr. BILIRAKIS], the chairman of the subcommittee. They share my concerns.

I wanted to address some of the issues and the problems that have been caused by the failure of FDA to have sufficient employees in some of the agencies that are operational, that do approve the drugs, the devices and the other medical products.

First of all, we have discovered that there is an increasing amount of surveillance and oversight that the agency does of the industry. This oversight effort has increasingly led them to slow down the approval of new drugs and new therapies and in many ways harass the manufacturers of products who may disagree with the FDA's chosen method of operation.

I hear time and time again from people who we have suggested could come and testify before my Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs that they are afraid to do so because the agency has such an overwhelming enforcement authority. My amendment would have simply directed them to limit expenditures on enforcement to 10 percent so that they can turn their efforts to seeking new product approvals.

I plan to work with the gentleman from Virginia [Mr. BLILEY] and the gentleman from Florida [Mr. BILIRAKIS] in making sure that that redirection of priorities occurs in their reauthorization bill later this fall.

Finally, another issue is off-label uses. I was going to offer an amendment that would have said the FDA had to discontinue efforts to prevent the distribution of medical literature and other means of promoting off-label uses in drugs.

Let me give the body a little background in this, and I have to tell you that working with FDA in this areas is a little bit like entering into Alice in Wonderland.

The FDA has an unwritten policy that prevents manufacturers from disseminating enduring materials such as medical journals, the Journal of the American Medical Association, and other highly reputable journals and textbooks if they contain information about nonapproved, that is, the FDA has not yet sanctioned, uses of a manufactured product, even through the agency has determined the product is safe for use for other purposes.

They do not allow this until the agency has either examined the journal article or the material or approved the product for the off-label use.

This is where Alice meets the Mad Hatter. It takes years and years to get that type of approval for additional uses and costs the companies millions of dollars. Meanwhile, patients suffers because they are not able to have their doctors learn about this treatment and be able to get the most recent medical information.

Let me tell you, off-label uses are critical for treating children and others such cancer. Virtually all of the new treatments developed in this country come about when doctors start using labeled existing drugs in new ways, off-label uses.

The FDA has also a draft policy that prohibits virtually all support, financial or otherwise, by drug and medical device manufacturers of any educational activities designed to disseminate truthful, accurate information and designed to provide training with respect to off-label uses.

This is just nuts. You have got big, powerful, wealthy drug companies and device manufacturers willing to spend their money to train doctors on how to use these newest techniques, and the FDA has a new draft policy saying they cannot do it. The Mad Hatter strikes again.

FDA's actions raise serious first amendment concerns. Are we to say that manufacturers of these devices cannot disseminate truthful and accurate information? FDA's policies already have and continue to significantly inhibit the free flow of peer reviewed, scientific information about drug uses.

Ironically, while the agency does not prevent physicians from prescribing uses of therapeutic products, in other words, the doctor can use the off-label use, the devices and the drugs have, even though they have not been approved by FDA for that use, the agency policies have significantly curtailed the ability of doctors to receive information about that, to receive the understanding in journals, such as the Journal of the American Medical Association, about what they think these off-label uses are.

Of course, in the world of Alice in Wonderland, as the Queen said, execute first, trial later. I urge the body to adopt my amendment and send a message to the agency that this is no longer going to be the practice.

Mr. SKEEN. Mr. Chairman, we on this side would be glad to accept the gentleman's amendment.

Mr. Chairman, I yield 2½ minutes to the gentleman from Minnesota [Mr. GUTKNECHT].

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

Mr. Chairman, I rise in support and I stayed up because I wanted to talk on this issue of the McIntosh amendment.

Earlier tonight we had a rather heated exchange here on the floor of the House talking about the FDA between the gentleman from Kentucky and the gentleman from California. I think the gentleman from Kentucky referred to the FDA as a rogue agency out of control. That may have been too strong, Members of this body. But I do believe that Mr. Kessler and his agency needs to have their horns trimmed and be put on a shorter leash.

Earlier today, the gentleman from California [Mr. WAXMAN] talked about a credibility question about a story that was shared on the floor of this House. I want to share a couple of stories tonight, several of them that I believe to be true, one that I absolutely know to be true.

I have in my district and in the State of Minnesota a number of medical device companies and an awful lot of physicians who work with them. Among other things, they have developed a number of new technologies which are being used in other countries, but they cannot or have not gotten approval here in the United States.

For example, there is a simple device which can prevent people from having a second heart attack called a stint. I have cardiologists in my area who literally have to go now over to Europe to do the research on those technologies because they cannot get the approval, and it takes so long, and it is so expensive in the United States.

In fact, when they go to Europe, sometimes they actually smuggle back into the United States liquid injectable aspirin because it is not available in the United States because it is too expensive to get FDA approval, and it takes too long, and it is not worth it. There are not enough people that need it.

In fact, one of my cardiologists was in this town a few months ago for an international exposition, and he went down to look at technologies which are available in virtually every other country in the world but they are not available in the United States because the FDA takes so long and it is so expensive to get them approved.

Let me just share this also. I believe this to be true. The last time the FDA approved a new food additive in the United States was 5 years ago.

We are going to have hearings I understand next week, and they are going to be talking about some of the raids that this agency has been conducting on medical device companies. I know that we are going to, hopefully, have some hearings in the McIntosh committee.

I do support this amendment, but I do believe what we really need is to rein in on this agency so that we can have the same devices here in the United States that they are enjoying in Europe and Japan.

Mr. DURBIN. Mr. Chairman, I yield 1½ minutes to the gentleman from Oregon [Mr. WYDEN].

Mr. WYDEN. Mr. Chairman, first, I wanted to say to the gentleman from Indiana that I appreciate the way he has addressed this issue. It seems to me that all Members should want to see more dollars devoted to the drug approval process and less to bureaucracy,

and I think we can agree on that on a bipartisan basis.

We do need comprehensive FDA reforms. I have introduced legislation towards this end. I know a number of our colleagues have as well.

We ought to be pushing for tighter time lines to get products out, save money, save time, and on this matter of off-label drug uses, I think we can come up with a policy that ends FDA's censorship over important medical journal articles and at the same time protects consumers.

For example, what I have proposed is we say that these journal articles would be made available, but the FDA, if they found questions in a journal article, would be in a position to add additional information so this would supplement what was out in a journal article.

This, I found, has been acceptable to industry. It has been acceptable to the cancer groups that the gentleman from Indiana [Mr. MCINTOSH] has correctly discussed. This is the kind of constructive work we can do on a bipartisan basis.

I want to tell the gentleman from Indiana, I am very pleased that he has kept his amendment on the question of freezing front-office dollars.

Mr. DURBIN. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan [Mr. DINGELL].

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

Mr. DINGELL. Mr. Chairman, I commend the gentleman for the way he was offered his amendments and that he has not offered the others. I want to tell him I will be pleased and happy to work with him on his concern with regard to the Food and Drug Administration.

I do want to inform my colleagues that the food and drug law has been written in a very harsh fashion by the Congress of the United States because of the fact that it is susceptible to serious abuse, not by the honest people in the prescription pharmaceutical industry or in the device industry but rather by fly-by-nights who come in and go out and who will use pharmaceuticals and use other devices in an improper fashion.

The law requires that these devices and that these prescription pharmaceuticals and other things be, first, safe and, second, that they be effective, that they do not hurt and that they do what they are supposed to do.

It is FDA's difficult mission to see to it that products are used in the fashion for the purposes that they are used for. They can be tested.

I will tell my colleagues that the testing process is long, and it is so for a very good reason. Other countries have had massive scares over pharmaceuticals and other things which have caused huge health problems in the country, and I would just remind my colleagues about the thalidomide scare of some years ago where a whole generation of European children were born with flippers and without hands and arms and were otherwise deformed. That was something which created a massive scare in this country and resulted in a very major change. The result was a good piece of legislation which has been balanced.

It is possible, I think, that it shall and can be reviewed, and I would look forward to working with the gentleman toward that purpose.

Mr. SKEEN. May I inquire of the Chair how much time we have left?

The CHAIRMAN pro tempore (Mr. SHAYS). The gentleman from New Mexico has 30 seconds remaining. He is the only gentleman who has time.

Mr. SKEEN. Mr. Chairman, I yield that to my ranking member, the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. I want to thank my colleague from New Mexico for yielding me the time.

Mr. Chairman, let me say that I am glad that the gentleman from Indiana has offered this amendment this evening, and we look forward to working with him, and I hope we do not lose sight of the fact of the important mission that the Food and Drug Administration has.

They should be reformed, they should be improved, and we can work toward that end, but they certainly perform an invaluable function which no other Federal agency does. I hope that in our criticism of the present practices we do not overlook much of the good that is being done by a lot of hard-working professional people.

I support the amendment by the gentleman from Indiana.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Indiana [Mr. MCINTOSH].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SANFORD

Mr. SANFORD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SANFORD: Page 71, after line 2, insert the following new section:

''SEC. 726. None of the funds appropriated or otherwise made available in this Act shall be used for the construction of a new office facility campus at the Beltsville Agricultural Research Center.''.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes and that the time be equally divided.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from South Carolina [Mr. SANFORD] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

Mr. DURBIN. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Illinois [Mr. DURBIN] will be recognized for 5 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SANFORD].

□ 0015

Mr. SANFORD. Mr. Chairman, this amendment prevents the construction of a new 350,000-square-foot office building in Maryland. With so many pressing demands on our Nation's budget and so many different ways to cut this budget, the logical budget is: Why here? Why now?

I think there are 4 good reasons that make a lot of sense as to why we ought to look at this. The first, GSA, Government Services Administration, controls 644 million square feet, let me say that again, 644 million square feet of office space. That is enough office space to fill the commercial cores in New York, Chicago, Los Angeles, and Houston combined. That says to me, with that kind of office space intact and this revolution that is supposedly taking place here in Washington, do not we have enough? Do we really need to go out and add another 350,000 square feet of space.

Second, even if we do, I think we would be putting the cart before the horse if we built this building now. The reason being, this fall the farm bill comes out, and that is going to have a lot to do with whether the Ag Department is growing, staying the same or shrinking. If it happens to be shrinking, which could well be the case given the fact we have got 114,000 folks on staff which roughly works out to about one for every six working farmers, if it were to actually be cut, we may not need this building, or if it were not to be cut, look at the number of different agencies ceilings and different departments that are talking about being closed here in Washington.

Again, I think that has done to do with why the National Capital Planning Commission, which is the Federal agency in charge of watching out how different agencies control space, has disapproved this plan and disapproved this building. They, in fact, say the following: ''It appears that the opportunities may exist for meeting virtually all of USDA's fiscal year 2000 administrative space requirements within its existing inventory, without construction of the Beltsville office complex.'' I think they know more about this than most of us. I ask we heed their advice.

Third, the budget. KASICH and his budget crew came up with a plan that gets us to a balanced budget by the year 2002. This building was not included as part of that budget.

Finally, National Taxpayers Union and Citizens for a Sound Economy think this amendment would make a lot of sense.

I hope my colleagues will join.

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

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

Mr. Chairman, I rise in opposition to this amendment.

I wonder if the gentleman from South Carolina would take a microphone at his leisure. I would just like to ask him two or three questions.

First, I would like to ask the gentleman, has he ever be in the south building of the Department of Agriculture?

Mr. SANFORD. If the gentleman will yield, I have run by it practically every morning.

Mr. DURBIN. Ever been inside?

Mr. SANFORD. No.

Mr. DURBIN. I think it is important you go inside before you get deeply into this amendment. You know what you are going to find? A 60-year-old building that is a fire trap. The reason we got into this debate, because many of us are worried about the safety and security of the men and women who work in that building. When a fire alarm goes off anywhere inside that building, they literally have to evacuate every employee. It is not divided by corridors or sections so that in the event of a fire or emergency they can even protect the people inside.

The ventilation system is so antiquated that not only it does not heat and cool the building, in fact what it does is endanger the people working in there.

So we are talking about in the first instance a genuine fire trap which on any given day could cause a great embarrassment to the gentleman from California when a tragedy might strike.

Point number 2, does the gentleman know how much money we expect from the Federal taxpayers by building the new campus at Beltsville and replacing the leased space which we are currently using for U.S. Department of Agriculture across the city of Washington?

Mr. SANFORD. I have heard upwards, close to $1 billion.

Mr. DURBIN. The figure I have is not that high, $200 million over 10 years. Unfortunately, the Department of Agriculture, with reduced status, fewer functions, fewer employees, is spread all over the D.C. area. We are paying rent. Unfortunately, we are paying too much for that rent. We went through this battle last year and said there has got to be a better way.

It turns out if we build the building and occupy it and depreciate it, it is cheaper for taxpayers. It is not just a matter of building a building. It is a matter of getting out of expensive leased space to do it.

The reason I asked the gentleman these questions is my first reaction when I heard about a new building was the same as his, for goodness sakes, at this time, this is the wrong place and time to do it.

Yet I went down there and took a look at the south building.

Mr. SANFORD. On those two points, if the gentleman would yield, on the south building, as you might notice, my amendment does nothing to preclude reconstruction to the south building.

Mr. DURBIN. Reclaiming my time, here is the practical difficulty. In order to do the kind of work that is necessary on the south building, the GSA did extensive surveys and found that they had to take the employees out as the construction was taking place.

That is why this whole plan that we have developed involves moving out to Beltsville for temporary quarters and eventually moving back into a renovated south building, and then using what is constructed at Beltsville for permanent facilities so all the leased space can come together into something we own.

I am sure the gentleman's life experience, like my own, we rented for years, it was not worth much, finally bought a home, and now I take a lot more pride in it.

Mr. SANFORD. If the gentleman will yield, I would agree absolutely in a static environment, but the problem is we know right now we are not working in a static environment. I think that actually has a lot to do with why the National Capital Planning Commission, in fact, disapproved the plan and, in fact, said because things like the Department of Commerce may one day be an empty building and because a host of other agencies are looking at dropping numbers rather than increasing numbers, there may be more than enough space in Washington, DC.

Mr. DURBIN. Reclaiming my time, I will tell the gentleman there are many possibilities. There are many eventualities. There is one solid hard cold fact. The south building of the U.S. Department of Agriculture today is a fire trap. It is dangerous to tens of thousands of people who go there every day. It could not pass the most basic fire and safety inspection. And I do not think the gentleman from South Carolina, certainly the gentleman from Illinois, would not want it on his conscience that we are not doing everything we can to protect those employees.

That is why I got into this. I think what we have come up with is a reasonable approach that ultimately will save taxpayers $200 million and do it in a very professional way.

I would add that I am not an expert at this. We gave to the General Services Administration the responsibility to come up with a plan. They came up with one. We went back and forth and negotiated with the U.S. Department of Agriculture.

From the gentleman to come in now and say, well, we have got problems, let us get rid of that, you still are going to have a south building that is a fire trap. You are still going to have leased space that costs you dearly.

Mr. SANFORD. If the gentleman will yield again, I want to reemphasize my amendment in no way precludes renovation to the south building. The whole idea is putting the cart before the horse. All I am suggesting by this amendment is, given all that may be happening in terms of downsizing the Federal Government, maybe, just maybe since it is federally owned land, this building would be going on out in Maryland since that space is not going anywhere.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from South Carolina [Mr. SANFORD].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SANFORD. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. (Mr. SHAYS). Pursuant to the order of the House of Wednesday, July 19, further proceedings on the amendment offered by the gentleman from South Carolina [Mr. SANFORD] will be postponed.

Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. OLVER

Mr. OLVER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OLVER: Page 71, after line 2, insert the following new section:

SEC. .(a) LIMITATION ON USE OF FUNDS.—None of the funds made available in this Act shall be used to pay the salaries of personnel to provide assistance to livestock producers under provisions of title VI of the Agricultural Act of 1949 if crop insurance protection or nonuninsured crop disaster assistance for the loss of feed produced on the farm is available to the producer under the Federal Crop Insurance Act, as amended.

(b) CORRESPONDING INCREASE IN FUNDS.—The amount otherwise provided in this Act for ''Rural Development Performance Partnerships'' is hereby increased by $60,000,000.

Mr. OLVER (during the reading), Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes, the time to be equally divided, I will claim 5 minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Massachusetts [Mr. OLVER].

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

The language of my amendment prohibits benefits under the livestock feed program for losses which could be covered under the crop insurance program.

The subcommittee had provided $80 million for the livestock feed assistance program, and by the language that I offer, by limiting that livestock feed assistance program to those who could not use the Federal Crop Insurance Program, we can reduce the needs for the livestock feed assistance

amount from $80 to $20 million, and in that process we are able to free up $60 million which then can be used for the rural development performance partnerships, which is essentially the moneys that hundreds of communities all over this country use in districts all over the country in rural areas of the country, use to develop drinking water systems, waste water treatment systems, by either grants or loans, or a combination of grants and loans in most instances, and for solid waste management systems.

The communities that get this money are small communities, the most stressed communities probably in this country outside of the very core urban areas. They are communities without a strong tax base, without a strong commercial base. They are continually under stress, and they are of a severely limited capacity to deal with what are extremely capital-intensive programs and where the per capita costs of those capital-intensive programs happen to be exceedingly high, therefore, because of the low population of rural communities.

All that is required here is that if crop insurance is available, it is to be used rather than using the livestock feed assistance, and that gives us the $60 million available for the program.

Now, this is a program which in the present fiscal year was counted at almost $700 million. Under the program as it now stands in the bill, it would be down to $430 million, and so the addition of 60 would bring that up a little bit and change a 40-percent cut in this program for so many communities all over the country, in infrastructure grants and loans, it would allow that cut to be only a 30-percent cut.

So I would hope that we would adopt this amendment and help these hundreds of communities all over the country that this money can be used for.

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

Mr. SKEEN. Mr. Chairman, I strongly oppose the amendment.

I yield the remainder of my 5 minutes to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. I thank my good friend and colleague from New Mexico for yielding me the time.

I rise in strong opposition to the gentleman's amendment. The amendment, while I am sure really redirects funds into an important program, and the gentleman and I have discussed this at length, for example, the cuts in the water and sewer programs which we all hope can be restructured, and we all hope that we can find additional funds for these very important programs, but the gentleman's amendment also restructures, or throws a monkey wrench is a better word, into an important reform of the crop insurance and disaster program that was just implemented by the Committee on Agriculture just this past year.

This major new reform that was designed to save the taxpayers billions of dollars and move our farmers away from dependence on the Government disaster programs really has not had a chance to work, and already the gentleman has simply brought an amendment that has not been considered by the authorizing committee. We have had no hearings, and it would fundamentally change the protections designed for the livestock industry.

We left the livestock disaster program in place because there was no other way to cover them. As I have indicated, it is entirely possible that some changes in the newly reformed crop insurance disaster protection program will be needed. As a matter of fact, we are going to have a major overhaul of the crop insurance program. It is underfunded, and it is mandatory, and we have several proposals that I think would be very, very salutory.

But these proposed changes should receive the same careful consideration as the original reform provisions. For example, this amendment does not make it clear how we are to treat a livestock producer who grows 25 percent of his feed and then purchases the rest. Is this producer to lose all of his disaster protection because he is prudent enough to provide a fraction of his own feed?

□ 0030

Mr. Chairman, these are exactly the kind of problems that caused us, after long thought, to design the program in its present state. Certainly a more careful consideration should be given before the program is changed or simply used for a bank for vitally needed sewer and water programs. We should reject this amendment.

I would only add that this amendment also abridges the agreement that the authorizers and the appropriators have reached, at least on our side of the aisle, after many, many meetings, and the $60 million that would be used by the gentleman would be into a situation where we would either double-score it and it would not count in regards to our scoring responsibilities or the Ag Committee is going to have to go find another $60 million to cut in regards to our budget responsibilities.

We have an agreement with the gentleman from New Mexico [Mr. SKEEN] and the chairman of the committee, and the chairman of the Committee on the Budget that the appropriators will make the appropriate cuts in regards to their budget responsibilities and the authorizers in our pasture will make our cuts.

I know the gentleman is extremely concerned about the water and sewer programs. This is the wrong way to go about it. I will be more than happy to work with the gentleman to find some money in the appropriate discretionary account.

And one last thing: In the last several weeks we have had a real disaster in farm country more especially with our cowboys in reference to the terrible weather, 100 degrees, 105 degrees, 110 degrees. In feedlots all across the country and on ranches all across the country we have had heavy livestock losses, and all prices in the livestock sector are very depressed. This is exactly the wrong time to take the emergency program for livestock producers that we hope we will not use during a time when they are experiencing very heavy losses due to weather-induced conditions.

So, Mr. Chairman, I would urge the gentleman to perhaps work with us, perhaps maybe withdraw his amendment, but if he insists on going on ahead, we will have to oppose it very, very strongly.

Mr. OLVER. Mr. Chairman, I yield myself 45 seconds, and then I will yield the remainder of my time to the ranking member of the committee.

Mr. Chairman, I would just like to point out that, if there is a livestock loss which would not now be covered, not now be coverable, under the crop insurance program, that the livestock loss is still covered under the livestock feed program. That is the provision, that is the language of the legislation, that I have provided. So there is no problem, at least as I understand it, there.

Secondly, if what we are doing is banking $60 million so that it will be easier there for the dealings on the problem of mandatory expenditure, then I think this will be much more valuable to put this where it can be used where 40 percent cuts were being made and use only 30 percent cuts in the infrastructure accounts which all of our communities do.

Mr. Chairman, I yield the balance of my time to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, everyone seems to agree that we should put more money into water and sewer programs. We all know there are a lot of communities that need them. Otherwise they cannot improve their systems for public health reasons. The obvious question here is whether or not this provision, when it comes to livestock feed programs, should be allowed to continue.

I agree with the gentleman from Massachusetts it should not. So many of these farmers, and cowboys and ranchers want to be rugged individualists and say, ''No, I'm not going to buy crop insurance, I'm on my own, buddy, leave me alone,'' and then things get tough, and guess what?

They come and knock on Uncle Sam's door and say, ''Well, now I need some help.''

What this amendment says is, ''Grow up.'' If you got crop insurance available, buy it, and, if you don't, you're going to pay. If you have a disaster, you're not going to get as much money from the Federal Government.''

Is that a radical suggestion? I think that ought to be the policy across the land, to tell producers and business people that, if there is insurance available, use it, and, if they do not use it,

they are going to suffer as a result of it.

Now, to say we are going to hold them harmless regardless I think creates bad conduct on their part. The gentleman from Missouri and I were co-chairs of a disaster task force. We now spend or compensate for about 95 percent of the disasters and losses in the United States. We cannot afford to continue to do it. Individuals have to accept more personal responsibility.

The CHAIRMAN pro tempore (Mr. SHAYS). The gentleman from New Mexico [Mr. SKEEN] has 30 seconds remaining.

Mr. SKEEN. Mr. Chairman, I yield 30 seconds to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Chairman, I would really hope it would not come to this, to get back into this whole argument on the disaster program and crop insurance. The mandatory crop insurance program is underfunded. It is not working well in high-risk agriculture country mainly because of the efforts of the gentleman from Illinois.

Now we will adhere to our responsibilities in regards to crop insurance, and we are trying to move away from the disaster program. But to try to rewrite an unworkable crop insurance bill right in the middle of an appropriation bill when we are trying to do it in the farm bill is just not the way to do business. I want water and sewer programs, but that was a very untoward remark by the gentleman from Illinois, and I resent it.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Massachusetts [Mr. OLVER].

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

RECORDED VOTE

Mr. OLVER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Wednesday, July 19, 1995, further proceedings on the amendment offered by the gentleman from Massachusetts [Mr. OLVER] will be postponed.

Mr. BARRETT of Nebraska. Mr. Chairman, I would like to submit for the record a copy of a letter from Agriculture Secretary Glickman expressing the administration's support and commitment to agricultural export programs such as the Market Promotion Program and the Export Enhancement Program.

DEPARTMENT OF AGRICULTURE,
Washington, DC, July 19, 1995.

Hon. BILL BARRETT,
Chairman, Subcommittee on General Farm Commodities, Committee on Agriculture, U.S. House of Representatives, Washington, DC.

DEAR BILL: As the United States House of Representatives considers the fiscal year 1996 appropriations bill for the Department of Agriculture (USDA), I would like to express my commitment to USDA's export programs.

With the help of the Market Promotion Program (MPP), the Export Enhancement Program, and USDA's other export programs, U.S. agricultural exports are expected to reach a record level of $51.5 billion in 1995. These programs have proven that they work, achieving export growth nearly every year since they were first enacted in 1985. MPP, in particular, has proven its worth, helping the high value exports that it targets to quadruple over the last decade. Our farmers and ranchers depend upon foreign markets—23 percent of cash farm receipts is now earned from exports.

In the current world trade environment, I view these programs as critical tools. The Uruguay Round Implementation Act was enacted last year largely because of the support it received from American agriculture. The agricultural sector will benefit greatly from that agreement, but funding for export promotion and the so-called ''green box'' programs is critical. The Uruguay Round agreement permits countries to continue to subsidize and promote agricultural exports. Our competitors are doing just that.

The fact is, the competition is well on its way towards seizing new market opportunities. The European Union (EU) will spend $54 billion under the Common Agricultural Policy to support its agricultural sector in 1996, including $9 billion for export subsidies. The EU will spend $7 million more for wine export promotion this year ($93 million) than USDA will invest in promotion for all products under MPP. Competitors are also increasing GATT-legal spending for export promotion and credit guarantees. Last year, competitors spent $500 million on export promotion. This year, Canada announced a new credit guarantee program for about $713 million.

I know there is an urgent need to control spending and to reduce the federal deficit, but I urge you to resist efforts to balance the budget on the backs of America's farmers and ranchers. I appreciate your support of our joint efforts to promote U.S. agricultural exports.

Sincerely,

DAN GLICKMAN,
Secretary.

Mr. MILLER of California. Mr. Chairman, the committee report accompany H.R. 1976, the fiscal year 1996 Agriculture appropriations bill, contains a provision that will seriously affect the availability of food on Indian reservations. In the report, the Appropriations Committee directs the Secretary of Agriculture to begin the termination of the Food Distribution Program on Indian Reservations, commonly known as the commodities program. Indians who benefit from the commodities program are to be transferred to the Food Stamp Program. Given the current levels of poverty and hunger on Indian reservations, the phase out of the commodities program is an unwise and uninformed maneuver that is nothing short of another clear breach of this Nation's trust responsibility to native Americans.

The administration requested $78.6 million for reservation commodities in fiscal year 1996. The committee's bill provides for $65 million, a decrease of $13.6 million—17 percent. The President's request reflects the fact that the commodities program must operate with a $0 carry-in for fiscal year 1996 as opposed to carry-ins of $13.4 million in fiscal year 1994 and $27.3 million in fiscal year 1995, as well as the fact that food costs have risen steadily, from $45.6 million in fiscal year 1994 to $47.7 million in fiscal year 1995 to an estimated $49.2 million in fiscal year 1996.

The commodities program serves more than 110,000 native Americans each month who reside on or near reservations in 24 States. The reservation commodities program was the only commodities program maintained by the Nixon administration following the institution of the national Food Stamps Program in 1974. Both Congress and the Nixon administration carefully examined food needs and determined that the Food Stamps Program would not adequately meet the needs of native Americans living on or near reservations.

The main reason that the Food Stamps Program is unsuited for Indian reservations is that the program requires individuals to trade food coupons for food at grocery stores. In many reservation areas there are simply no or few grocery stores, round trips of up to 100 miles to buy groceries are not uncommon, and transportation is often unavailable. In addition, the prices for foods at existing on-reservation stores are generally much higher than those at off-reservation stores. In other words, food stamps will buy less at reservation stores than off-reservation stores. Thus, this bill not only makes it harder for Indians to get food, but it also makes it likely that they will end up with less food.

In addition, while tribes operate the distribution of commodities, States operate the Food Stamps Program. Conversion to the Food Stamps Program will require native Americans to travel vast distances to the nearest State food stamp office. Other problems with the food stamps program include a differing set of eligibility rules, and the likelihood that nonperishable foods, which make up the bulk of the commodities programs, will be less available under the food stamps program because stores are less likely to stock them.

Finally, it appears that conversion to the Food Stamp Program will result in increased costs to the Federal Government. In fiscal year 1994, the average per month cost of food stamp benefits was $69.01 compared to $33.51 for commodities. Thus, conversion to food stamps would more than double the per-person food cost of service to Indian beneficiaries.

In sum, the Appropriation Committee's plan to phase out the commodities program will not only increase hunger and hardship on Indian reservations but will also increase costs to the Federal Government. This policy is clearly anti-Indian and, without any hint of hesitancy or remorse, literally takes food out the mouths of the poorest of the poor. Mr. Chairman, the Indian population which is dependent upon the commodities program needs our protection and not our spite. As trustees and fiduciaries to the more than 550 native American tribes, we should treat them better.

Mr. VENTO. Mr. Chairman, I rise in opposition to the fiscal year 1996 Agriculture appropriations bill, which carries through on the directives of the House Republicans' welfare reform plan by cutting food stamps and other nutrition programs.

As we saw with their welfare reform measure, the new majority in the House wants to launch an extreme and broad-based attack on poor children and families. As part of this attack, they are cutting the Food Stamp Program, one of the most essential programs for people in need, and capping the number of participants which may receive assistance from the Special Supplemental Food Program for Women, Infants, and Children [WIC]. WIC is a program with such proven benefits as fewer premature births, fewer fetal deaths, and better cognitive performance in children, one family would have to leave the WIC program for another to be served.

Under this appropriations bill, inflation will no longer be considered as a factor when determining a family's eligibility for food stamps. This means that families will either become ineligible for benefits or see their benefits reduced as inflation impacts their income and ability to meet their basic needs. The bill also cuts overall funding for food stamps in 1996 by $1.7 billion compared to this year 1995. States predictably will tighten eligibility requirements in order to try to keep down costs and the result will mean that fewer poor families will be able to receive food assistance. Furthermore, this bill completely eliminates the food stamp contingency reserve which is used to shore up the program when the need for food stamps becomes greater than optimistically low limits estimated. Republicans claim that cutting funding for food stamps and other public assistance programs will move people off of welfare. The question is: where are the children, women and the elderly going? Not only is the GOP cutting food stamps, but they are intent on cutting the social safety net of education, training, child care, shelter, and medical care in numerous proposals and measure being advanced in this Congress.

The WIC program is among the most successful and cost-effective of our Federal nutrition programs and promotes the health and well-being of our country's children. Currently, the WIC program can not even provide benefits for all eligible women and children due to lack of funds. I have supported full funding of this program, which should be a high priority if we value our future enough to care for our children. However, Republicans want to further limit the number of children who may benefit from the program by capping the number of participants at current levels. This will decrease the effectiveness of this program by ruling out any opportunity for a response from the Government when there is an increase in the number of children and families in need of services.

Nutrition programs provide an extremely valuable way to promote good health and prevent disease for some of our most vulnerable citizens. When we fund nutrition programs, we invest in children and families and create economic and social benefits for all. When the Republicans cut back on nutrition programs, we will see a rise in malnutrition and a resulting rise in health care costs. The Republican approach to nutrition programs is to cut off benefits with the notion that you can forcefeed change and reduce poverty through such harsh action. I do not support this approach and I believe that the Federal Government has a role in helping people. I oppose this bill because of the shortfall in funding and the policy changes that are being superimposed through this ill considered appropriation process.

Mr. CHAMBLISS. Thank you, Mr. Chairman. Last night my colleagues from New York, Ms. LOWEY withdrew her amendment to the Agriculture appropriations bill which pertains to the peanut program. I commend the gentlelady for withdrawing her amendment and would state that I appreciate the fact that the gentlelady now agrees that the farm bill needs to be written in the Agriculture Committee as opposed to the appropriations process.

We members of the Agriculture Committee have been working very diligently to reform all agriculture programs. I have been particularly involved in working on a reform of the peanut program that will be a more market oriented program and will still provide a safety net for peanut growers.

That bill will address the concerns of the gentlelady and I think will satisfy the vast majority of those that have objections to agriculture programs.

Again, I thank the gentlelady for allowing the authorizing committee to do its job.

Mrs. VUCANOVICH. Mr. Chairman, as a former member of the Agriculture Appropriations Subcommittee, I recognize the difficulties faced by the chairman and ranking member and I commend them for their efforts on this bill. H.R. 1976 provides $15.9 billion in agricultural programs but still saves $5.2 billion, compared to spending last year. However, with tough challenges come tough decisions, and I am faced with one today. I am concerned about an amendment to be offered later during this debate and the effect this will have on low-income housing for people in my State of Nevada and throughout the Nation. Specifically, 502 direct housing loans help those low- and very-low-income families who are unable to obtain financing elsewhere. Without these funds, it will be difficult or impossible for people to achieve the American Dream of owning their own home. In addition, I am concerned about other reductions to rural programs including rural waste disposal projects and rural development.

Although reluctant, I will support this amendment because it does have some good provisions in it regarding the Conservation Reserve Program and the Wetlands Reserve Program. However, I urge the chairman to continue to fight to restore funding for the 502 housing program and some of the other rural programs in conference.

Mr. CUNNINGHAM. Mr. Chairman, I cannot begin to express how pleased I am that a compromise was reached yesterday between Agriculture Secretary Glickman and Representative WALSH regarding the implementation of meat and poultry safety rules.

Representative WALSH's withdrawal of his amendment to the fiscal year 1996 Agriculture appropriations bill is a clear sign of his commitment to enact change into the current food handling process. The new agreement will allow for additional public hearings to be held to consider the views of all interested parties throughout the rule-making process. I am relieved that there will not be a delay of the USDA's implementation of safeguards and standards to improve meat inspection.

Unfortunately, the issue of safe food and the devastating effect of foodborne illness are not new to me. I have closely followed this issue since the 1993 E.coli outbreak on the West Coast. I have had the pleasure of working with members of STOP [Safe Tables Our Priority], an organization founded by victims' families who are dedicated to the prevention of foodborne illness.

Until the tragedies were highlighted a few years ago, I do not believe that people were aware of the inherent dangers associated with the consumption of raw meat products. It is unfortunate that a number of deaths occurred before significant changes were made to the current food handling processes.

I think that we would all agree that our Nation's meat inspection policy must be improved. Obviously, a system that was created in 1906, and has changed very little since that time, is in need of repair. A new inspection system based on HACCP or hazard analysis and critical control points, is needed to prevent problems from occurring throughout the production process.

Once again, I commend my colleague, Representative WALSH, for his willingness to compromise with the administration regarding the procedural problems in an effort to improve the current system. I also want to applaud the efforts of the ranking minority member of the Agriculture Subcommittee, Representative DURBIN, in bringing this matter to the House's attention. I believe that the risks are too high to wait any longer to implement change into the current food handling process. We cannot rest until everything is being done to protect the safety of our food, and provide for the well-being of our loved ones.

Mr. SKEEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. SHAYS, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1976) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1996, and for other purposes, had come to no resolution thereon.

COMMUNICATION FROM THE CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE OF REPRESENTATIVES

The Speaker pro tempore laid before the House the following communication from Scot M. Faulkner, Chief Administrative Officer of the House of Representatives:

CHIEF ADMINISTRATIVE OFFICER,
HOUSE OF REPRESENTATIVES,
Washington DC, July 20, 1995.

RE: State of Illinois v. Melvin Reynolds

Hon. NEWT GINGRICH,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to rule L (50) of the Rule of the House that my Office has been served with a subpoena issued by the Circuit Court of Cook Country, Illinois.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

SCOT M. FAULKNER,
Chief Administrative Officer.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. VOLKMER (at the request of Mr. GEPHARDT) for today, after 6 p.m., on account of illness of spouse.

By Mr. BACHUS (at the request of Mr. ARMEY) until 4:30 p.m. today, on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

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

Mr. HORN, for 5 minutes, on July 21.

EXTENSION OF REMARKS

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

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

Mr. NEAL of Massachusetts.
Ms. DELAURO.
Mr. LANTOS.
Mr. ACKERMAN.
Mrs. MALONEY.
Mr. PALLONE in two instances.
Mr. SERRANO.
Mr. FRAZER.
Mr. MILLER of California.
Mr. KENNEDY of Massachusetts.
Mrs. MEEK of Florida.
Mr. COYNE.
Mr. RAHALL.
Ms. HARMAN.

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

Mrs. SMITH of Washington.
Mr. ROGERS.
Mr. PACKARD.
Mr. SCHIFF.
Mr. MARTINI in two instances.
Mr. HASTERT.
Mr. ZIMMER.
Mr. HORN.
Mr. GUNDERSON.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 12 o'clock and 40 minutes a.m.), the House adjourned until today, Friday, July 21, 1995, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

1233. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–95, ''Vending Site Lottery and Assignment Amendment Temporary Act of 1995,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1234. A letter from the Chairman, Federal Election Commission, transmitting proposed regulations repealing three obsolete provisions of its rules (11 C.F.R. sections 104.17, 110.1(g), and 114.12(d)), pursuant to 2 U.S.C. 438(d); to the Committee on House Oversight.

1235. A letter from the Administrator, General Services Administration, transmitting an informational copy of the lease prospectus for the Patent and Trademark Office, northern Virginia, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

1236. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation entitled, ''Vaccine Excise Tax Amendments of 1995''; to the Committee on Ways and Means.

1237. A letter from the Secretary of Education, transmitting a draft of proposed legislation entitled, ''The Accelerated Direct Loan Program Implementation and Student Loan Marketing Association Transition Act of 1995''; jointly, to the Committees on Economic and Educational Opportunities and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LIVINGSTON: Committee on Appropriations. Report on the Revised Subdivision of Budget Totals for fiscal year 1996 (Rept. 104–197). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LONGLEY:

H.R. 2077. A bill to designate the U.S. Post Office building located at 33 College Avenue in Waterville, ME, as the ''George J. Mitchell Post Office Building''; to the Committee on Transportation and Infrastructure.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. NEAL of Massachusetts, Mr. HOUGHTON, and Mr. DOOLEY):

H.R. 2078. A bill to amend the Internal Revenue Code of 1986 to clarify the excise tax treatment of draft cider; to the Committee on Ways and Means.

By Mr. FRISA:

H.R. 2079. A bill to provide amnesty from criminal and civil tax penalties for individuals who, within the 6-month amnesty period, notify the Internal Revenue Service of previous nonpayments or underpayments of Federal income tax and pay such underpayments in full; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEJDENSON:

H.R. 2080. A bill to amend title 38, United States Code, to provide priority health care by the Department of Veterans Affairs for veterans who received nasopharyngeal irradiation treatments while serving in the Armed Forces; to the Committee on Veterans' Affairs.

By Mr. HANSEN (for himself, Mr. DOOLITTLE, and Mr. SHADEGG):

H.R. 2081. A bill to recognize the validity of rights-of-way granted under section 2477 of the Revised Statutes, and for other purposes; to the Committee on Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON (for herself, Mr. DAVIS, Mrs. MORELLA, and Mr. WYNN):

H.R. 2082. A bill to amend title 5, United States Code, to provide for the establishment of priority placement programs for Federal employees affected by a reduction in force, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. OBEY (for himself, Mr. HINCHEY, Mr. BRYANT of Texas, and Ms. PELOSI):

H.R. 2083. A bill to provide for a tax reduction in the case of low economic growth; to the Committee on Ways and Means.

By Mr. SANDERS (for himself, Mr. MEEHAN, Mr. MCDERMOTT, Mr. OWENS, Mr. STARK, Mrs. MINK of Hawaii, Mr. OBERSTAR, Mr. SHAYS, Mr. JOHNSTON of Florida, Mr. EVANS, Ms. VELAZQUEZ, Mr. MORAN, Mr. YATES, Mr. DEFAZIO, Mr. DELLUMS, Mrs. MALONEY, Mr. HINCHEY, Mr. RANGEL, Mr. GONZALEZ, Mr. OBEY, Mr. GUTIERREZ, Mrs. SCHROEDER, Mr. KLECZKA, Mr. LIPINSKI, Mr. LEWIS of Georgia, Mr. STUPAK, Mr. REYNOLDS, and Mr. MARKEY):

H.R. 2084. A bill to authorize the Secretary of Agriculture to impose labeling requirements for milk and milk products produced from cows which have been treated with synthetic bovine growth hormone, to amend the Agriculture Act of 1949 to require the Secretary of Agriculture to reduce the price received by producers for milk that is produced by cows injected with synthetic bovine growth hormone, to direct the Secretary of Health and Human Services to develop a synthetic BGH residue test, and for other purposes; to the Committee on Agriculture.

H.R. 2085. A bill to amend the Federal Food, Drug, and Cosmetic Act to require labeling for milk and milk products produced from cows which have been treated with synthetic bovine growth hormone, to direct the development of a synthetic bovine growth hormone residue test, and for other purposes; to the Committee on Commerce.

By Mr. SHAYS (for himself, and Mr. CLINGER):

H.R. 2086. A bill to increase the overall economy and efficiency of Government operations and enable more efficient use of Federal funding, by enabling local governments and private, nonprofit organizations to use amounts available under certain Federal assistance programs in accordance with approved local flexibility plans; to the Committee on Government Reform and Oversight.

By Mr. STOCKMAN:

H.R. 2087. A bill to provide that human life shall be deemed to exist from conception; to the Committee on the Judiciary.

By Mr. STOCKMAN:

H.R. 2088. A bill to amend title 23, United States Code, relating to the sale of alcoholic beverages to persons who are less than 21 years of age; to the Committee on Transportation and Infrastructure.

By Mr. TATE:

H.R. 2089. A bill to provide for a change in the exemption from the child labor provisions of the Fair Labor Standards Act of 1938 for minors between 16 and 18 years of age who engage in the operation of automobiles and trucks; to the Committee on Economic and Educational Opportunities.

By Mr. LANTOS (for himself, and Mr. GILMAN)

H. Con. Res. 84. Concurrent resolution expressing the sense of the Congress concerning freedom of the press in Russia; to the Committee on International Relations.

By Mr. QUINN (for himself, Mr. VISCLOSKY, Mr. CREMEANS, Mr. HOLDEN, Ms. KAPTUR, Mr. DOYLE, Mr. HOKE, Mr. BROWN of Ohio, Mr. SHUSTER, Mr. RAHALL, Mr. CHRYSLER, Mr. EVANS,

Mr. MASCARA, Mr. BEVILL, Mr. DURBIN, Mr. MCHALE, Mr. LIPINSKI, Mrs. THURMAN, AND Mr. WISE):

H. Con. Res. 85. Concurrent resolution authorizing the use of the Capitol Grounds for an event sponsored by the American Iron and Steel Institute to demonstrate the use of steel building materials in the construction of residential homes; to the Committee on Transportation and Infrastructure.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

138. By the SPEAKER: Memorial of the House of Representatives of the State of Alabama, relative to expressing opposition to the Congress of the United States with respect to pending bills to reduce benefits for coal miners; to the Committee on Economic and Educational Opportunities.

139. By the SPEAKER: Also, memorial of the Senate of the State of Nevada, relative to urging the Congress of the United States to amend the Social Security Act and the Internal Revenue Code of 1986 to allow States to make payments for certain services provided to, and to provide certain services to, recipients of Medicaid who have disabilities; jointly, to the Committees on Ways and Means and Commerce.

ADDITIONAL SPONSORS

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

H.R. 104: Mr. SKEEN.
H.R. 328: Mr. CRANE.
H.R. 436: Mr. HALL of Texas, Mr. HUTCHINSON, and Mr. PETE GEREN of Texas.
H.R. 500: Mr. PARKER.
H.R. 580: Mr. LUTHER and Mr. BAKER of California.
H.R. 616: Mr. REYNOLDS.
H.R. 739: Mr. BARTON of Texas.
H.R. 743: Mr. HAYWORTH, Mr. CLINGER, Mr. BARTON of Texas, and Mr. CHAMBLISS.
H.R. 752: Mr. KLINK, Mr. SCHAEFER, Mr. CLAY, Mr. JOHNSTON of Florida, Mr. FRISA, Mr. DORNAN, Mr. HUTCHINSON, Mr. ANDREWS, Mr. SKEEN, Mr. DAVIS, Mr. GILCHREST, Mr. STUDDS, Mr. WARD and Mr. ARMEY.
H.R. 783: Mr. COOLEY.
H.R. 835: Ms. JACKSON-LEE and Mr. RAHALL.
H.R. 883: Mr. RUSH.
H.R. 942: Mr. LEWIS of Georgia and Mr. HOKE.
H.R. 969: Mr. BARCIA of Michigan, Mr. DEFAZIO, and Mr. ANDREWS.
H.R. 995: Mr. CANADY.
H.R. 997: Mr. EMERSON, Mr. JOHNSTON of Florida, Mr. MANTON, Mr. SHADEGG, Mr. STUPAK, and Mr. WILSON.
H.R. 1018: Mr. CHRISTENSEN.
H.R. 1046: Mr. REYNOLDS.
H.R. 1050: Ms. KAPTUR.
H.R. 1073: Mr. ROMERO-BARCELO, Mr. WATT of North Carolina, Mr. SAWYER, Mr. JOHNSTON of Florida, Mr. BEILENSON, Mrs. MORELLA, and Mr. HEINEMAN.
H.R. 1074: Mr. FROST, Mr. ROMERO-BARCELO, Mr. WATT of North Carolina, Mr. JOHNSTON of Florida, Mr. BEILENSON, and Mrs. MORELLA.
H.R. 1114: Mr. SCHAEFER, Mr. PETRI, and Mr. HALL of Texas.
H.R. 1127: Mr. ARCHER, Mr. VOLKMER, Mr. BROWNBACK, Mr. EHLERS, and Mr. ROTH.
H.R. 1161: Mr. WARD.
H.R. 1162: Mr. ROYCE and Mr. HUTCHINSON.
H.R. 1184: Mr. HUTCHINSON.
H.R. 1280: Mr. JOHNSON of South Dakota.
H.R. 1299: Mr. HORN.
H.R. 1328: Mr. SKEEN.
H.R. 1381: Mr. FRAZER.
H.R. 1384: Ms. RIVERS.
H.R. 1386: Mr. RADANOVICH, Mr. GOSS, Mr. GILLMOR, and Mrs. SEASTRAND.
H.R. 1458: Mr. BEVILL.
H.R. 1514: Mr. KLINK, Mr. HINCHEY, Mr. MOORHEAD, Mr. TAYLOR of Mississippi, Ms. FURSE, Mr. LINDER, Mr. FRANKS of New Jersey, Mr. GREENWOOD, Mr. DEUTSCH, Mrs. VUCANOVICH, Mr. GEPHARDT, Mr. SKEEN, Mr. BOEHLERT, Mr. HASTERT, Mr. HUTCHINSON, Mr. THORNBERRY, and Mr. HAYWORTH.
H.R. 1594: Mr. HORN.
H.R. 1619: Mr. RADANOVICH, Mr. CUNNINGHAM, and Mr. MANTON.
H.R. 1660: Mr. ENGEL, Mr. HORN, and Mr. DELLUMS.
H.R. 1699: Mr. SCARBOROUGH.
H.R. 1754: Mr. BOUCHER.
H.R. 1769: Mr. DREIER.
H.R. 1799: Mr. FLANAGAN.
H.R. 1802: Mr. HOLDEN.
H.R. 1818: Ms. PRYCE, Mr. RADANOVICH, Mr. GOSS, Mr. WAMP, Mr. TATE, Mr. FAWELL, Mr. STUMP, Mr. METCALF, Mrs. SEASTRAND, and Mr. ROGERS.
H.R. 1834: Mr. CLINGER, Mr. EWING, and Mrs. FOWLER.
H.R. 1885: Mr. PARKER.
H.R. 1960: Mr. SAXTON and Mr. STEARNS.
H.R. 2003: Mrs. MORELLA, Mr. LAFALCE, Mr. GENE GREEN of Texas, and Mrs. LOWEY.
H.R. 2058: Mr. HAMILTON, Mr. BERMAN, and Mr. ACKERMAN.
H.R. 2064: Mr. BACHUS.
H. Con. Res. 60: Mr. PALLONE.
H. Con. Res. 79: Mr. WILLIAMS.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2002

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 16: Page 53, line 15, strike ''$8,421,000'' and insert $5,421,000''.

H.R. 2002

OFFERED BY: MR. NADLER

AMENDMENT NO. 17: Page 46, lines 3 through 7.

Redesignate subsequent sections of title III of the bill accordingly.

H.R. 2076

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 1: Strike page 36, line 21, through page 38, line 4.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, THURSDAY, JULY 20, 1995 No. 118

Senate

(Legislative day of Monday, July 10, 1995)

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

The PRESIDENT pro tempore. We have a guest Chaplain this morning. When I first came to the Senate he was my press officer. Later my legislative assistant, later my administrative assistant. One of the finest men I have ever known. He is now a lay preacher, author of many books, and an outstanding citizen.

We are honored to have him with us, Harry Dent, of Columbia, SC.

PRAYER

The guest Chaplain, Harry Shuler Dent, Sr., of Columbia, SC, offered the following prayer:

Let us pray:

Our Father, who art in Heaven, hallowed be Your name. May Your will be done on Earth as it is in Heaven. May all Americans, and especially the membership of this august body of distinguished lawmakers, be a part of Your solution to the evils, the moral meltdown, and the hurts that plague our country and people across the world. May we be Your guiding star of moral and spiritual righteousness for all Americans and all the people of the world.

Please take us as a nation and change us individually and collectively where we need to be transformed so we may be guardians and purveyors of Your great commission and the great commandment as presented to us by Jesus. Use us to turn America and the world to Your will, for Your glory and for the good of all mankind. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. DOLE. Mr. President, this morning leader time has been reserved. There will be a period for morning business until the hour of 10 a.m.

Following morning business, it will be our intention to go to the legislative branch appropriations bill. I hope we can get permission or clearance to do that. There will be rollcall votes, I understand, on that. It is also my hope that we can bring up the military construction appropriations bill. That would need the consent of our colleagues.

We need to do six appropriations bills before the August recess—whenever that starts. This will be very helpful. We will at least complete action on two of those this week. We still have the matter of the rescissions package, which I am not going to worry about anymore, for the next few days. I had it up to my eyeballs with the rescissions package.

Then we have also S. 343. There could be a vote on cloture today on regulatory reform. It seems to me we have just about reached—we have been negotiating, I think, in good faith.

We have had people on both sides. I think we are prepared to make some additional changes if that will be helpful. But I do not see much movement on the other side, as far as votes are concerned. It seems to me that that vote could come today. I will be visiting with the distinguished Democratic leader, Senator DASCHLE, and will make a judgment, whether that be today, tomorrow, or next week.

I did indicate to the President that I was inclined to accede to his request for Bosnia, but I want to talk to some of my colleagues on both sides of the aisle who are cosponsors. I certainly want to cooperate with the President where possible. I have indicated to the Democratic leader if we could work out some agreement on a vote on that early next week, that we certainly would try to accommodate the President's request.

Beyond that, depending on what happens today, we could be on the Ryan White measure tomorrow. On Monday, we will be considering gift and lobbying reform. On Tuesday, we hope to go to foreign ops and the State Department authorization bill. That will probably take at least 2 or 3 days.

I advise my colleagues, as far as we know at this point, there will be votes throughout today. There will be votes tomorrow. If there should be any change, I will certainly come to the floor and make the announcements so my colleagues on both sides of the aisle will have notice.

I reserve the balance of my leader's time.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. ASHCROFT). Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m. with Senators permitted to speak therein not to exceed 5 minutes each.

RESCISSIONS

Mr. WELLSTONE. Mr. President, I will manage the minority leader's time. Mr. President, I want to respond to the majority leader in a very positive, and by no means personal, way.

Mr. President, first of all, I thank the majority leader. He is quite right. There have been negotiations that have gone on for some time. I believe that we would be ready very soon to go forward on the rescissions package.

There were several issues. The majority leader has now been working with us. We have agreed to have debate on a number of amendments—one dealing with the low-income energy assistance,

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

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and the second one, which I really want to talk about and hope that there will be some change and restore some of the funding for this program. The other has to do with the job training and education programs.

Mr. President, the only disagreement—and I believe it will be worked out—has to do with a counseling program which, I say to my colleague from Missouri, I would like to talk about for a long time. I will not, because other colleagues want to speak, and I will get a chance to speak later.

This is an interesting program, Mr. President. The ratio, Members will like this, of paid staff to beneficiaries is 1 to 2,000. It is not topped down. It is out in the States. This is a program that is extremely important. It is what we are all about. It is basically a few paid staff that in turn nurture a lot of volunteers that in turn provide seniors with just basic information about their health care coverage. People sometimes find that bewildering, and sometimes there is unfortunately some ripoff when it comes to supplementary Medicare coverage. It is extremely successful.

The majority leader said last night, and he is quite correct, that he has now been working with us and actually is helping me to restore the funding to this program. It does not require a lot of resources. We are talking about restoring $5 million. It was a $10 million program. By the way, Mr. President, sometimes these numbers seem small to Members but this program makes a huge and positive impact in the lives of a good many very vulnerable citizens.

The only confusion and disagreement was that I was waiting for the reprogramming of this. I thank the White House for their help. I certainly would like to thank the minority leader. What I wanted to be careful about, and this just simply had not been worked out yet, is that the reprogramming was not a ''rob Peter to pay Paul.'' I did not want to take this money from another program that was extremely helpful, for example, to seniors.

So, Mr. President, the only delay, and I think it is a very slight delay, and I see no reason why we cannot go forward, is to make sure we have a reprogramming done. I also wanted to make sure that my colleagues had some understanding on appropriations. I mean, both the majority chair of the committee, Senator HATFIELD, and the minority chair, Senator BYRD, I wanted to make sure that they were fully apprised of where we were going on the reprogramming. That just did not happen last night. That is the one missing piece. It all goes together. There would not be a need for a third amendment if we work that out. I think we will.

Mr. President, I will just say what I have said all along, which is—I am speaking for myself; I think Senator MOSELEY-BRAUN would say the same thing—we really believed that it was important that the bill not just go through here without some debate and discussion. We wanted an opportunity to have some amendments. We have agreed to a limited time. We are ready to go forward, and I think we can.

Again, I say to the majority leader and I say to colleagues, at this point in time we have one piece to work out. I believe that will happen this morning. I see there is no reason why we cannot get the reprogramming part taken care of—that will be the piece that the majority leader and I are now working together on, which is of course always the best way to proceed, if you can—and then we will have a limit, time limit on two amendments that will deal with the two other areas. Then we will have a vote.

Mr. President, I say this morning because I am quite confident that we can move forward and I will be ready to do so when the majority leader is ready to do so. We will just wait to work this out on the reprogramming part, and then we should be ready to go. That is what we have been aiming for all along.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

THE RESCISSIONS BILL

Mr. BOND. Mr. President, I am encouraged that we could have some movement on the rescissions bill. There are many important issues that are facing this body right now. I happen to think that regulatory reform is extremely important, not only for small businesses, for farmers, but for the growth of our American economy.

But, as we look at these long-range programs, we have a very severe short-term problem. I have the distinction of chairing the Veterans Administration, HUD, and Independent Agencies Appropriations Subcommittee. This so-called rescissions bill is actually an emergency and rescissions bill. It is the supplemental emergency bill because the Federal Emergency Management Agency is getting very close to running out of money. We have had disasters, such as the California earthquakes and fires and floods, we have had the bombing in Oklahoma City, we have had floods in the Midwest, and the money available for FEMA is about at its end. Nobody expects a disaster to occur and the Feds to say, ''Sorry, we cannot come. We do not have any money.'' But we are about at that point.

That is why this bill, the emergency supplemental and emergency rescissions bill, is vitally important. That is No. 1.

Second, we have had our defense budget drawn down because of police actions, responding to needs in various parts of the country. The distinguished chairman of the Defense Appropriations Subcommittee will tell you, if we do not get this bill through, in September we are going to have to shut down operations for ships, for airplanes. That means that American pilots, who have to maintain their currency, will not be getting that currency. It will be dangerous to them.

These are the needs for the emergency supplemental. But let me tell you first hand, as one who worries every day about funding the vitally important functions of assisted housing, of medical care for veterans, of EPA, NASA, and others, what is going to happen if we do not pass the rescissions bill. This is not a question of reprogramming and we are going to fine tune things here and there. We have taken a rescission hit. We have, in this rescissions bill, given up $8 billion in budget authority. That is money appropriated for the current year but which will not be spent until future years.

The reason we had to do that is because HUD, primarily, has been spending out of control. And, in HUD, when you appropriate money 1 year, you get the budget authority out there but it starts spending out in future years. So 60 percent of the dollars that will be spent next year in the subcommittee that I chair are spent as a result of previous years' appropriations. And our limit, what we can spend in that year, is determined by the actual outlays.

We have, in all, over $6 billion of budget authority rescinded in HUD under this bill. We have worked with Housing and Urban Development, we have worked with our colleagues on the other side, and while nobody likes to cut budget authority, they have agreed that this is the least harmful.

Let me tell you what happens if that rescissions bill does not go through. If that rescissions bill does not go through, we have another billion dollars of outlays in the Department of Housing and Urban Development that we cannot control. And that is likely to mean that we will not have the money to continue to provide public housing in federally assisted housing for all of the 4.8 million families that depend upon HUD funding for their housing during the coming fiscal year of 1996. We are going to be hard pressed to fund that housing and other vitally important programs like CDBG, and HOME, and the work of the Veterans Administration and NASA, as it is. I think we can do it if this rescissions bill passes.

If this rescissions bill continues to languish as people try to work out reprogramming for the last 2½ months of this fiscal year, if we do not get the rescissions bill, those who hold up the rescissions bill will have to go home and explain why some people are going to be thrown out, thrown out of federally assisted housing they now occupy.

The subcommittee on Labor and HHS has $1.3 billion in outlays that depend upon this bill. This rescissions bill is vitally important. I urge my colleagues to move it.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 10 minutes in morning business.

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

THE LINE-ITEM VETO

Mr. DORGAN. Mr. President, this has been a very interesting year in Congress with the change in control in both the House and the Senate; in some ways refreshing, in some ways very disappointing. This is the year of reform and change. Many of the changes and reforms are useful and interesting. Many others are just downright nutty. I will give you an example of some.

The notion that when the Soviet Union is now gone we should start to build star wars with money we do not have at a time when this project clearly is not necessary. In my judgment, that's a nutty idea.

We stick $9 billion into defense that the Department of Defense says it does not want or does not need. That makes no sense to me. That is not reform or change.

Maybe, as one had suggested, charge admission to tour the U.S. Capitol. In other words, charge the American citizens admission to take tours in the U.S. Capitol in order to raise money to reduce the deficit? It seems to me that qualifies as a nutty idea.

Provide laptop computers for poor kids at a time when you are cutting school lunches? Another nutty idea.

I have said there are a lot of goofy ideas. There are some good ideas, some of which I have supported, one of which is the line-item veto. I want to ask some questions about that this morning.

On February 6 of this year, this Senate passed a bipartisan proposal on the line-item veto. I happen to think, and have thought for a long while, it makes sense for a President to have a line-item veto. Most Governors have it. The President ought to have it.

We passed a line-item veto here in the Senate on March 23. The House passed it on February 6. It is now over 120 days, and the question is, where is the line-item veto?

Today we are going to start on our first appropriations bill. Soon those appropriations bills will go to the White House. My guess is that those who wrote the Contract With America and included the line-item veto in the contract, those who were so urgent about the need for a line-item veto as they spoke on the floor of the Senate and the House, are now less interested in really having a line-item veto if it means that a Democratic President in the White House has a line-item veto to get rid of Republican pork in appropriations bills.

I noticed yesterday, in a newspaper, ''Gingrich Gets $200 Million in New Pork,'' it says in the headline. I do not know what this is about. It is just ''pork'' in an appropriations bill—''Gingrich Gets $200 Million in New Pork,'' in an appropriations bill.

I am going to go to a markup in 10 minutes, in which I know there are about five or six provisions in this authorization bill that represent special little projects in someone's State.

So what happens to the line-item veto? Why do we not have a line-item veto moving so that the President might sign the bill and have the authority to remove this pork with a line-item veto in appropriations bills this Congress is going to pass?

I think I know what has happened to it. The House of Representatives 120 days later has not even appointed conferees to go to a conference with the Senate on the line-item veto. Why have they not appointed conferees? Because I do not think they really want a line-item veto. I do. I voted for it. I voted for it many times in Congress. And I felt in March of this year when the Senate passed it, and the month before when the House passed it, that maybe those who said it was an urgent priority on the other side of the aisle were serious. It now appears they were not serious at all. It now appears to me they were much more interested in producing pork than producing a line-item veto bill.

If there is a lost and found department in the Congress, I hope someone will call and ask, where is the line-item veto bill?

One of our colleagues has treated us to a big yellow sign every day which says, ''Where is Bill?''—which is not in my judgment a very respectful reference to the President. But ''Where is Bill?''—asking, ''Where is the President's budget?''

I guess, if I were inclined with that sort of approach, I could bring a chart here that says, ''Where is the bill?''—and hang up ''120 days'' on the chart to ask the question, ''Where is the line-item veto bill?''

We passed it. The House passed it. And there is no conference because the House has not even appointed conferees. Is the reason they have not appointed conferees because they want to lard up the appropriations bills with pork, $200 million in pork by the Speaker of the House and they do not want a Democratic President to veto the pork out of these bills? If that is the reason, they are wallflowers when it comes to fighting the deficit.

Let us decide to cast this line-item veto bill, get it through conference, and get the President to sign it. Let us have a bite at these appropriation bills right now with this deficit. If you care about public policy and about the line-item veto, if you voted for it in the Senate, as I did, if you voted for it in the House, as the majority did, I hope they would start asking the question, ''Where is the line-item veto?'' Why do we not expect the Speaker to appoint conferees? Why do we not have a conference report, bring it from the House, have the Senate pass it, and get it back to the President so that he can exercise the line-item veto on these bills?

THE ORGANIZATION OF ECONOMIC COOPERATION AND DEVELOPMENT

Mr. DORGAN. Mr. President, I would like to go to one other subject today briefly. It is one that almost no one knows anything about, including the Presiding Officer. It is called the Organization of Economic Cooperation and Development or OECD. It is an international organization that we pay 25 percent of the total cost. I do not think anybody in here really knows much about it. There are a lot of international organizations.

This year the United States will contribute about $62 million to fund the OECD. We are a member of the OECD. I am told that they meet in the finest places in the world and are headquartered in Paris. When they hold a meeting, they hold a meeting in a fine, great hotel in one of the great cities of the world. Folks come from all over the world to attend OECD meetings, the Organization of Economic Cooperation and Development.

One of the things they did recently is approve a report, a document statement, in which this country participated and signed, that talked about how you apportion the tax burden of international corporations among the countries in which they do business.

This little document said the OECD, with the United States signing the document, rejects something called global formulary apportionment. It does not mean much to anybody. But what it means to me is this country signs on a dotted line, along with the other member countries of the OECD, saying the United States is willing to give up or forgive about $15 billion a year in taxes that ought to be paid to America that will not be paid.

Seventy-three percent of the foreign-based corporations doing business in the United States pays zero in Federal income taxes, despite the fact they earn hundreds of billions of dollars here. There are companies that sell cars, VCR's, television sets, and other products—whose names you would recognize instantly—that do business here every day earning billions of dollars and pay zero in U.S. income taxes. Not pay a little bit—pay nothing in Federal income taxes.

Why is that? It is because the IRS is stuck with an outdated tax enforcement system which the foreign corporations love, and which foreign governments love as well. It is called the arm's-length method, which is used to evaluate transfer pricing that exists between related corporations. Tens of thousands of foreign corporations do business in the United States through U.S. subsidiaries that they own and control. These integrated companies sell things to themselves back and forth, and establish their own prices on those transactions. That is why we have examples of tractor tires being sold between corporations that are related for $7.50 for a tractor tire; a piano

for $50; a safety pin for $29; toothbrushes for $18. Why would corporations price tractor tires at $7.50? Because they are moving profits in or out of countries with corporations they control, and that is called transfer pricing.

We use a system in taxing called the arm's length methodology which is an archaic, buggy-whip system. It is like taking two plates of spaghetti and trying to attach the two ends together; taking different corporations and connecting them together to save in a market system. It is a system that is totally unworkable and unenforceable. The result is massive tax avoidance. This country is losing to the tune of $15 billion a year, in my judgment, because we have not replaced this flawed system with a simple formula approach, as the States have used successfully for decades. I might say with respect to domestic businesses operating in different States that there is a standard formula that is used to apportion profits between jurisdictions using the amount of payroll, property, and sales as a guide. But the IRS's continued use of the arm's length method means we are losing $15 billion every year from the biggest international corporations in the world which do not pay taxes, despite earning huge profits in this country.

Our U.S. representative at the OECD signs on to an agreement that says we reject the use of formulary apportionment.

So as a result of that, I wrote to the Secretary of the Treasury and the Secretary of State and said tell me about the OECD. Who is involved in these negotiations? Where were the meetings held? What corporations were involved to persuade them to do this? They said we cannot give you that information. It is confidential. You have no right to the working papers of the OECD. They are secret.

I said, Wait a second. I am part of a group that funds them; about $62 million this year from U.S. taxpayers' will go to the OECD. You are saying that we do not have a right to see the information?

I asked a series of detailed questions of both the Secretary of the Treasury and also of the Secretary of State to try to understand what is going on. The fact is you cannot get information. It is secret or otherwise unavailable, they say. If it is so secret, maybe they do not need our money. Maybe they do not need $62 million.

I want to share with my colleagues the money that goes to OECD. At a time when we are saying we do not have enough money to deal with problems in this country, including problems of families who are struggling very hard, a whole range of areas, nutrition, education, and so on, here is what has happened to OECD, the Organization of Economic Cooperation and Development.

In 1990, the American taxpayers contributed $36 million to the OECD. In 1995, $62 million—only 5 years later and our share nearly doubled. That is pretty interesting. In fact, from 1994 to 1995 the OECD, this little number in the State Department goes from a $50 million to a $62 million contribution.

We wrestle and debate on the floor of the Senate about why we have $5 million here or $10 million there. Mr. President, $62 million now goes to OECD, and it is on a steep increase; nearly doubling in the last 5 years.

They are off making deals with international corporations, and with other countries in a manner that will affect us by, in my judgment, shortchanging us probably $15 billion a year in taxes that we ought to get that we will not from foreign corporations that make profits here. Then they said to us you have no right to see the information.

Well, I would say to the Secretary of the Treasury, if you think that is going to stand, you are wrong. When the appropriations bill comes to the floor and you want more money, you had better be here with a lot of information. Otherwise, in my judgment, we are going to have a whole series of votes on the OECD, and you may lose a whole lot of money because you cannot say to us give us the money for these international organizations, but we do not have any interest in telling you about what these organizations are doing and what the policy implications are for this country.

So I would say to the Secretary of the Treasury and to the State Department, if they are listening, that they will not enjoy the debate we will have when the appropriations bill comes to the floor if they think we should spend $50 million or about $63 million as they have now requested in 1996 for OECD, and still take the position that we have no right to the information developed by this organization.

This is I know an arcane and difficult issue. And there are not many people that are even very interested in it. When I talk about the arm's-length method of tax enforcement versus a formulary method of tax enforcement, when you talk about transfer profits, transfer pricing, and enforcement methods, I understand why people's eyes fog over.

But I do not understand why a small business person who starts up a business and makes a profit and is required to pay taxes should have to watch as another large international business enters the American marketplace, has $5 billion worth of sales, make three-quarters of a billion dollars in net profit and pays zero in taxes to the U.S. Government.

It is not fair, and it ought to stop. We ought to expect those foreign corporations that do business in America to pay their contribution on their profits just as our Main Street businesses do every single day.

There is, I know, a web of complexity about all of this. I know that the State Department and the Treasury Department and others view this in some respects as a foreign policy issue and in some respects as an economic policy issue—only they understand and no one else is capable of understanding.

I might say the Senator who is presiding at the moment was recently a Governor of a State. The States faced this problem. They faced it because we have a lot of businesses that do business in every State in the Union, and the question was, how do we divide their profits? How do we know what part of their profits go to Indiana, Ohio, or North Dakota?

The States grappled with this and came up with a three-factor formula, and they said we are going to pass something called UDITPA, uniform division of income tax—payroll, property and sales. You make $10 million and 1 percent of your payroll, 1 percent of your property, and 1 percent of your sales were in that State, then 1 percent of that profit should be allocated as the tax base, and that is the way it worked.

The fact is the States have led on this issue for decades; they solved this problem. And you look at what the Federal Government is doing with international corporations with exactly the same problem, and they are using a buggy-whip approach that is losing billions of dollars.

More importantly than losing the money, we have created the situation where we say to foreign corporations, You come in here and do business and you will receive a major advantage. You can do business and play a game so that you do not have to pay any taxes, but the American businesses that stay here at home and do business only here at home must pay certain taxes on their profits.

What is the consequence? The consequence is that the American business is disadvantaged because the foreign competitor gets by tax free. And that is the problem here.

I have alerted by letter and received apparently one giant yawn from the bureaucracy of this problem, and I wanted to alert them that they are not going to have a very pleasant August and September with their appropriations bills if they think they can tell folks in the Congress that they want $63 million for an international organization which send its representatives to the finest hotels in the world to meet for a while and sign documents that, in my judgment, contravene this country's interests, and then say to us who appropriate the money, ''Take a hike'' when we ask them to show us the documents that were used and all of the information that was developed in the construct of this policy.

Mr. President, it was therapeutic, if nothing else, to be able to talk about this in the Chamber this morning, and we will have a lengthier discussion on this subject when their appropriations bills come forward.

LINE-ITEM VETO

Mr. President, let me make one final point. I will again be addressing the question of a line-item veto in the

coming days because it is time for the House to appoint conferees, time for a conference, time to have a line-item veto. I want to find out who is interested in producing a line-item veto versus who is interested in providing pork. If we are interested in the line-item veto, and I am—and I guess I voted for it 15 or 20 times in my career—I hoped when I voted for it in March we would not be debating in July whether or not we are going to have a line-item veto. Some apparently have decided to move into slow motion here while there is a Democrat in the White House. That is not the way the line-item veto works. And while we see headlines that say ''Gingrich Gets $200 Million in New Pork,'' I would ask, where is the line-item veto?

Pork is bipartisan and done on a bipartisan basis. I would like to have a line-item veto in the hands of Democrat or Republican Presidents to address it. If someone has some notion of where this bill is or what is holding it up, maybe we can find out if we can get a line-item veto in the hands of this President before these appropriations bills get to the White House.

Mr. President, I yield the floor.

Mr. President, I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANTORUM. 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. SANTORUM. I thank the distinguished Presiding Officer.

WELFARE REFORM

Mr. SANTORUM. Mr. President, I rise to continue a forum that we started here as the 11 freshman Republican Members of the 104th Congress to talk about the issues that were important to us during the campaign that are now coming to the floor of the Senate and give a perspective of those who are more freshly from the hustings to the Senate and to the people listening.

Today, the issue that we are going to discuss—and I know the Presiding Officer, the Senator from Missouri, has been an outstanding advocate in his short tenure in the Senate on this issue—is welfare reform. Senator ASHCROFT served as the Governor of Missouri for 8 years and instituted welfare reform and has been a tremendous advocate for really dramatic reform in the States.

Later today, Senator ASHCROFT, along with Senator GRAMM, Senator GRAMS, and others, is going to have a press conference to discuss a version that we are going to put forward which I believe, of all the bills that have been introduced to date, both in the House and the Senate, is probably the most dramatic, the most forward looking, the most flexible, and the most meaningful welfare reform package that has been put forward. When I say meaningful, I mean meaningful to the people who are in the welfare system or who may find themselves at some future time being caught in that net.

We believe this is a dramatic departure from business as usual, and it is something I am very excited about. I have worked on the welfare reform issue as a member of the House Ways and Means Committee and chaired the Republican task force last session of Congress to come up with a Republican welfare reform bill. We worked 9 or 10 months in extensive meetings and came up with a bill—it was included as part of the Contract With America—called the Personal Responsibility Act. That formed the basis of the bill that was eventually passed, H.R. 4, by the House, and what we have done really is take that product and taken it one step further and allowed more State flexibility, more local experimentation.

One of the provisions that is in the bill that I am very proud of that the Senator from Missouri was the author of is a provision that says that community organizations, local community organizations, nonprofits, churches could actually be the welfare agency in a local community, really get back to what we know works. And what we know works in dealing with the problems of poverty are people who are in the community, who care about the people that they are serving, not someone hired from the State capital to monitor caseload, but someone who lives next door, who goes to the same church as the person who is going through the difficult time in their life.

Those are the kinds of really dramatic reforms that are in the Gramm bill that we are going to be introducing today. And I am excited about it. I think it is a good mark. It shows where we want to be ultimately on the issue of welfare reform: Multiple block grants, some flexibility within those block grants to allow States to deal with emergencies or an increase in maybe the number of people who need nutritional assistance, so they can move from one fund to another maybe people—there is an increasing surge in day care requirements. The same thing allows that kind of flexibility for the State to be able to move funds around from account to account. I think that is an important change. Again, the Senator from Missouri was the one that put forward these ideas. So I am excited about that bill.

Let me say that I do not think that is where we are going to end up. That is where I would like to end up. So I am on the bill. That is where I would like to end up. That is where I would like to see somebody come down and say, this the way we should go, this is the dramatic step forward we should take.

But just like the House where there were bills that were introduced that were more dramatic than was passed, H.R. 4, I think we will have to come up with a more modest approach if we are going to get the 60 votes required to pass a welfare reform bill in this body. And I am confident we can do that.

I am, also, at the same time—having worked with Senator ASHCROFT, Senator GRAMM, and others, working with Senator PACKWOOD, Senator DOLE, and others—trying to come up with a bill that we can form that takes, hopefully, a lot from the Gramm bill, but reaches across to try to get Members who may have concern about providing too much State flexibility, too much local control and provide some sort of compromise that can get the required votes to pass this Chamber.

I think this issue and the opportunity to make dramatic changes is here. And this issue is too important for us to hold out for the perfect solution. I think we need it out there as a goal. But at the same time I think we have to be practical and understand that we have to get what we can today. And if we can, as will be in the Packwood bill, also in the Gramm bill, is a block grant of the AFDC Program to allow States the flexibility to put forward their own plan for welfare recipients, to give them the opportunity to get into jobs, to get into job training, and put stiff work requirements, put a time limitation—those kinds of things that we know work in getting people off the welfare dependency cycle back into the mainstream of American life. Those are the kinds of things that we need to say, ''States, do the innovation, do the work that is necessary for your individual States to be able to transition people off.'' We are going to give that flexibility, and in both bills.

That is only a small piece of the welfare pie, AFDC, what many people, certainly a lot on the other side, consider to be welfare. I think welfare is a much broader category. They say AFDC is the welfare program, Aid to Families With Dependent Children. If we can block grant that program, end the entitlement nature, end the dependency that results from someone being guaranteed money for doing things that, frankly, most people would say are not what we want them to do: have children out of wedlock, do not get a job, do not get job training, do not try to do anything to get yourself out. We will give you more money. I think that is a very perverse incentive. End that entitlement. Say that after a certain period of years, you cannot continue in this life. That we will help you but you must help yourself. It is a contract between those who want to help and those who are to be helped. That piece alone, if we can block grant that piece, send it to the States, give them the opportunity, with a string that says you have a 5-year limitation, you have to have a work requirement; if we can do that piece alone, I think we will make a major change in the lives of millions of Americans and give them the opportunity that they have not seen under this system, which is intended to be

compassionate but is nothing but destructive to millions of lives, families, and communities across America.

We have that opportunity today. I think we can get 60 or more votes for that provision. We should go as far as we can. We should try to do more. We should do food stamp reforms. I would like to see a block grant for food stamps. I do not know if we can get a block grant for the Food Stamp Program. If we can get major reforms that came out of the Agriculture Committee that require work for people who are on food stamps, that get rid of a lot of the waste and fraud that encourage electronic benefits transfer, which is being used just north of here in Maryland and other places, in isolated programs, for example, in Berks County in Pennsylvania, using the debit card as opposed to a food stamp. It cuts down tremendously on fraud. We need to encourage that for States to be able to do more of that, to reduce the amount of food stamp fraud, which I know is a very sensitive issue among millions of Americans who see the fraud every day at the grocery store.

Those are the kinds of things that we can and should debate here on this floor. And I am hopeful that we can bring a bill—I want to doff my cap to the majority leader for his courage in setting forth the last week of the session before the recess to do welfare reform so that we can come here and have a great debate before we get into the reconciliation process after we come back, but have a debate focused solely on the issue of welfare reform. Many have encouraged the majority leader to just fold welfare reform into reconciliation and consider it all one big package. I think that is a mistake. I do not think it gives welfare the kind of focus that it deserves in changing America.

So I appreciate the opportunity to come here and talk about this. I want to again congratulate the Presiding Officer for his tremendous work on this issue. And I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

WELFARE REFORM, NOT REFORMATORY

Mr. WELLSTONE. Mr. President, first of all, before my colleague leaves, we come here to speak on the floor and we have other engagements. Let me just say to him that I think we are totally in agreement on the need for a full discussion and debate. Hopefully, it will be one that is done with a considerable amount of substance and grace and dignity on welfare. I do think it would be a mistake to fold this into a reconciliation bill because I think whenever you are considering such a major departure from public policy—and this is a major departure of public policy—it is a mistake to fold it into the reconciliation bill where you really do not have the opportunity for the debate and discussion.

I say to my friend from Missouri that, if he is going to speak in morning business, I would really prefer to let him have the time, so I will just take 2 minutes rather than taking up the rest of the time for now. I do think there are a couple of things that concern me about what is called welfare reform.

First of all, I want to make sure it is not reformatory as opposed to reform. It seems to me real welfare reform enables a family—and in the main we are talking about women and children —to make the transition from welfare to workfare. Now, we have been talking about that for a long time. Actually, Franklin Delano Roosevelt talked about that in 1935 when what we now know as the AFDC Program was introduced as a part of the Social Security Act.

The problem is when we talk about moving to workfare as opposed to welfare, it is very difficult to have any welfare reform unless, in fact, there is affordable family child care. I mean, it is very difficult today for a single parent. Almost all of these single parents are women. In some ways I wish more were men. And I wish there were less single parents, period, No. 1; and, No. 2—and I think the Chair and I agree on this—men took more responsibility. But if we are going to say to a single parent, ''You need to work,'' there are a couple of critical ingredients to make sure this is real welfare reform and not reformatory. One is for especially smaller children, that there is affordable child care. That is not done on the cheap.

I know that in Minnesota, one of the problems that we have run into—and I think we are doing a really good job on welfare reform—is we have long waiting lists. As a result of that, many of the mothers that you talk to cannot make the transition to work because they simply cannot afford or find—not custodial—but developmental child care for their children.

A welfare family is not 1 mother and 10 children. We are usually talking about one mother and two children.

I will be done because I do not want to take the time away from my colleague from Missouri and we will have plenty of time for debate on this.

The second point is the one we talk about all the time, which is we have to somehow figure out where health care reform fits into this, because all too often what happens is a single parent goes back to school, a mother goes back to school, a community college, maybe then finishes up at the University of Minnesota, then tries to get a job. The Washington Post had a very, very good portrait about this. What happens is, you are no longer receiving Medicaid, you are paying child care, and if you look at the wages that are out there for jobs, you are behind. So we have to make sure that, in fact, families are able to make this transition without punishing families. So I think the health care reform piece is critically important.

Finally, I think this is a challenge for all of us. I think it goes well beyond welfare reform policy. We really need to look at the fundamental question of standard of living in this country and the squeeze on the vast middle class and what has been going on for the last 15 years, plus—I am not pointing the finger in any party direction—and I think the overwhelming challenge is to have an economy that produces good jobs that people can count on. I think that has to be part of welfare reform as well, so a mother has a job that pays a wage, has benefits on which she can support her children. I think we need to look at these much more carefully.

I could say more. I will not. My colleague is anxious to speak. I yield the floor.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Missouri.

RESTORE HOPE AND OPPORTUNITY

Mr. ASHCROFT. Mr. President, it is true that there is a broad consensus that people understand what we have attempted to do with our welfare system has been a failure. If you want to see what our current Washington-based, one-size-fits-all welfare program has done, to see how the perverse incentives of the welfare system have failed, I guess you could go just a couple blocks from here. There you can see a generation raised by welfare and fed through food stamps, but literally starved of nurture and hope. You will meet young teens in their third pregnancy. You will meet children who not only do not have a father, but they do not know any other child with a father. These are tragedies of the current system, and these are the realities against which reform must properly be judged.

There has been a great deal of reporting recently on divisions in our discussion on welfare. I would like to make something as clear as I possibly can. While it may have taken us some time to reconcile our differences in terms of the strategy that we have, we have never forgotten the horror of our current system, we have never disagreed on our fundamental values, and we have never wavered from our central commitment, and that is to end the system of welfare we have now, to strengthen States and communities, to restore hope and opportunity to the millions of Americans for whom such words now are tragically words without definition or words without meaning.

I might add that it is important for us to understand that as well meaning as we might be in Washington in seeking to find a single solution to all of the problems that relate to the needs of people that would move them from dependence to independence, it would be inappropriate for us to try and find

a solution because there are lots of solutions that are going to be necessary, and no one garment will fit all children and no one vehicle will carry all loads and no single system imposed from Washington on this great Nation will be productive in moving people from the web of dependency to the opportunity of independence.

We really need for the creative capacity of the States, the innovation and the energy of people who are working to develop their own systems and the commitment that that investment in their own systems brings, to be allowed in a new system which would give States the opportunity through block grants to develop the strategies which will elicit the response among the citizens of the communities that those States represent.

So as we work together, and I am pleased to have had the opportunity to work with so many people in this respect, through vigorous discussions and the discussions I have had have been no more vigorous with anyone than those discussions which I have had with the distinguished Senator from Pennsylvania who inhabits the chair at this moment. But it is that kind of discussion, it is that kind of exchange, it is that kind of a collusion of ideas that provides the opportunity for the truth to emerge and for the real progress to be made.

In the weeks ahead as we debate welfare, it is my hope that this debate will serve as a trial. It should be a trial that will indict the abuses, the horrors, the lies of our current Washington-knows-best, one-size-fits-all perverse, incentive-laden system of welfare. It is my intention in the weeks ahead to try and ensure that an understanding of the current system happens so that we can avoid making the mistakes of the past over again. Someone much wiser than I has said appropriately that those who ignore history are destined to repeat it. Let us not be destined to repeat the horror of our welfare system.

Today, I just want to begin by talking about an incident that probably all of us remember, because we cannot forget. In February of 1994 in the process of a routine drug raid in Chicago, police stumbled upon 19 young children, some handicapped, living on dirty mattresses in an unspeakably filthy six-bedroom apartment infested with roaches and soiled with animal dirt.

The Chicago Tribune reported it this way:

> The children of [six] mothers from [six] fractured families * * * [were found] vacantly watching TV * * * [and] fighting over the remains of a chicken bone that the family dog had eaten.

President Clinton said that the despair and wasted human potential within that one Chicago apartment was not merely a social problem from far off places like Calcutta, India, but the heart of a very domestic problem occurring in urban centers all around America.

Among the adults that lived in that apartment, more than $65,000—more than $65,000—per year was received annually in public assistance, aid that took the form of cash payments, food stamps, medical care. Somehow, some way that money was not having its intended effect.

A system designed with the best intentions, unfortunately is leading to the destination of the road paved with best intentions; a system designed with the best intentions is eliciting and encouraging the worst behavior; a system which built change of dependency rather than breaking shackles.

In that house, there were no fathers to be found, no hope to be found for anyone. This is a tragedy that happens all across America, and it is a tragedy of our current system.

So as I conclude, let me just say that as we consider welfare reform, let the true measure of our reform never be the dollars that we might save, or the bureaucracy that is cut, or the programs that are reduced. But let our measure of reform be found in the ability to move people from hopeless governmental dependence to hopeful economic and personal independence, from the grasp of a perverse system of Government programs to the embrace of the loving and caring communities and the limitless opportunities of America.

Mr. President, I thank you.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

WELFARE REFORM THE COUNTRY WANTS

Mr. INHOFE. Mr. President, I see morning business is about to be concluded. I want to make a couple comments about our subject of the day, the welfare reform the country so desperately wants.

The postelection survey showed that there are three major elements to the mandate of the election of 1994. They were: We want to do something to eliminate the deficits; we want to do something meaningful about regulatory reform; and we want real welfare reform.

Mr. President, I am very proud that we in this House, the Senate, and over in the other body, submitted and adopted a budget resolution that is going to end up eliminating the deficit by the year 2002. So the President could not veto it, or I am sure he would have. Nonetheless, I think we are on our way to fulfilling that mandate. Regulatory reform—we are working on that right now, and I think we will end up with a product by the end of the week in getting it out.

Welfare reform is more difficult, because it seems that everybody campaigns on it, until they get here, and then they do not want to do anything about it. The two most important points are the exploding welfare costs and the crisis of legitimacy. In 1935, when AFDC was enacted, 88 percent of the families who received State cash relief were needy because the fathers had died. Benefits were intended primarily to enable the widow to care for her children at home.

Today, AFDC serves divorced, deserted, and never-married mothers and their offspring. Since the beginning of the program in 1965, in the last 30 years, State and Federal Governments have spent $5.4 trillion on welfare, providing cash, food, housing, medical care, and social services. For the $5.4 trillion spent since 1965, you could buy the entire industrial infrastructure of the United States—every factory, machine, store, every hotel, television station, office building, and still have money left over.

The PRESIDING OFFICER (Mr. COVERDELL). The Chair advises the Senator that his time has expired.

Mr. INHOFE. I understand that. I ask for 30 more seconds.

Mr. DOLE. I will be glad to yield some of my leader time.

Mr. INHOFE. I will just conclude by saying that we have an opportunity to do something about this—one of the three major mandates of the election in 1994. It is incumbent upon to us do this. We have introduced legislation that will give true welfare reform and take the profit out of illegitimacy, and the people of America are demanding that we do it.

Thank you, Mr. President.

MID-YEAR REPORT—1995

The mailing and filing date of the 1995 mid-year report required by the Federal Election Campaign Act, as amended, is Monday, July 31, 1995. All principal campaign committees supporting Senate candidates for election must file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116. You may wish to advise your campaign committee personnel of this requirement.

The Public Records office will be open from 8 a.m. until 7 p.m. on the filing date for the purpose of receiving these filings. For further information, please do not hesitate to contact the Office of Public Records on (202) 224–0322.

THE PRESIDENT REQUESTS A DELAY ON BOSNIA VOTE

Mr. MCCAIN. Mr. President, I noted that Senator DOLE was asked to delay a vote on Bosnia until some time next week, as I understand it. I will support Senator DOLE in whatever decision he makes. I understand that when the President of the United States asks for action to be taken that concerns national security, that request must be given great credence, and if Senator DOLE decides to delay that vote, I am sure that every Member of this body will support that decision.

If Senator DOLE decides otherwise because of events that transpire in

Bosnia—and I will point out that the media reports are that Zepa has fallen, as well, and events are unraveling there; more U.N. forces are being threatened with being taken hostage again—then I would support that decision as well.

I gave a long speech yesterday on the issue of Bosnia. I also addressed the issue of airstrikes. I am deeply concerned about the prospect of ''aggressive airstrikes,'' exactly what that means, and what the rules of engagement are, and if those airstrikes fail, what do we do next? I am convinced that if the Bosnians are assured—as they are being assured—that there will never, under any circumstances, be any U.S. ground involvement, we will learn a lesson we have learned throughout this century: air power alone is not an ultimate determinant in the outcome of a conflict.

I yield the floor.

WAS CONGRESS IRRESPONSIBLE? LOOK AT THE ARITHMETIC

Mr. HELMS. Mr. President, on that evening in 1972 when I learned that I had been elected to the Senate, I made a commitment to myself that I would never fail to see a young person, or a group of young people, who wanted to see me.

It has proved enormously beneficial to me because I have been inspired by the estimated 60,000 young people with whom I have visited during the nearly 23 years I have been in the Senate.

Most of them have been concerned about the magnitude of the Federal debt that Congress has run up for the coming generations to pay. The young people and I always discuss the fact that under the U.S. Constitution, no President can spend a dime of Federal money that has not first been authorized and appropriated by both the House and Senate of the United States.

That is why I began making these daily reports to the Senate on February 22, 1992. I wanted to make a matter of daily record of the precise size of the Federal debt which as of yesterday, Wednesday, July 19, stood at $4,932,430,021,919.50 or $18,723.59 for every man, woman, and child in America on a per capita basis.

DESIGNATING SENATOR SIMON TO SERVE ON THE SPECIAL COMMITTEE ON WHITEWATER

Mr. DASCHLE. Mr. President, I would like to advise the Senate that, pursuant to the authority granted in Senate Resolution 120, the Senator from Delaware [Mr. BIDEN] has designated the Senator from Illinois [Mr. SIMON] to serve as the Committee on the Judiciary's representative on the Special Committee on Whitewater.

CONCERNING LEGISLATION TO SUSPEND THE REACHBACK TAX

Mr. COCHRAN. Mr. President, today I am sending a ''Dear Colleague'' letter to all Senators with information concerning S. 878, a bill I introduced to amend the Coal Industry Retiree Health Benefit Act of 1992. Specifically, the legislation suspends the so-called reachback tax. My letter responds to issues raised about this legislation by my distinguished colleague from West Virginia, Senator ROCKEFELLER. I hope this information will be helpful to all Senators in considering the merits of the bill.

I ask unanimous consent that my letter and the enclosed fact sheet 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, July 19, 1995.

DEAR COLLEAGUE: In late May, I sent you a letter seeking your support for S. 878—a bill to provide equitable relief for the Reachback companies from the retroactive tax imposed by the Coal Industry Retiree Health Benefit Act of 1992 (Coal Act). You have since received a letter from Senator Rockefeller expressing alarm at S. 878 and concern about attempts to amend the Coal Act.

On Thursday, June 22, the House Ways and Means Subcommittee on Oversight held a hearing on the Coal Act. The hearing examined the inequities of the Coal Act, its impact on the Reachback companies, and the current and projected surplus in the Combined Benefit Fund. Last month, a federal district court ruled the Coal Act unconstitutional and enjoined its application to the Unity Real Estate Company.

Contrary to the fears expressed by proponents of the Coal Act, I have no intention of jeopardizing in any way the benefits promised to retired miners by the members of the Bituminous Coal Operators Association (BCOA). Nor will S. 878 do that. A fact sheet attached to this letter specifically responds to some of the concerns expressed in Senator Rockefeller's letter regarding S. 878.

I am optimistic that, based on the record established in the House hearing together with other information which has been developed, we can move forward to amend the Coal Act in a way which relieves its harsh impact on the Reachback companies, while at the same time insuring the benefits which were in fact promised to the retired miners by the BCOA.

Sincerely,

THAD COCHRAN,
U.S. Senator.

Enclosure.

REACHBACK TAX FACTS—A PRIMER ON THE COAL INDUSTRY RETIREE HEALTH BENEFITS ACT OF 1992

The Fiction: S. 878 would ''create a new tax break for certain companies. . .''

The Fact: Creating a new tax break is the last thing which S. 878 would do. S. 878 would relieve several hundred American companies unjustly subjected to a retroactive tax under the financing mechanism of the Coal Act.

The Fiction: S. 878 ''jeopardizes the health benefits of retired miners. . .''

The Fact: This is incorrect. Here is what S. 878 does:

Provides for any surplus in the United Mine Workers of America (UMWA) Combined Benefit Fund to be used as a premium credit for the Reachback companies unfairly and perhaps illegally taxed by the Coal Act;

If there is no surplus in the Combined Benefit Fund, Reachback companies would receive no premium credit;

If the fund falls within 10 percent of its operating expenses, Reachback companies would be required to immediately resume premium payments.

Trustees of the fund acknowledged, and the GAO confirmed, on October 1, 1994, that the fund had 96,237 beneficiaries receiving coverage for hospitals, physicians, vision, hearing, speech, ambulance, hospice, home health, psychotherapy and group therapy, pregnancy and medically-necessary abortion, drug and alcohol rehabilitation plus prescription drugs and life insurance.

Our best information suggests only 29 percent of those beneficiaries are retired bituminous coal miners. Some 85 percent of those covered by this fund already are eligible for Medicare. The fund covers retired miners and spouses, parents, children, grandchildren and other dependents in the home. Not one of those beneficiaries has ever had a claim rejected because the fund was insolvent—much less in jeopardy of insolvency.

The Fiction: The Coal Act ''has successfully ensured that the health benefits which were promised by these miners' employers continue.''

The Fact: Reachback companies never signed contracts promising to provide lifetime healthcare benefits to former employees, much less to their families. Many of the Reachbacks have been out of the bituminous coal business 10, 20, 30 and even 40 years. Others have been non-union operators for decades.

The unfortunate truth is the Congress should not have created a new tax against the class of companies now known as Reachbacks. Reachback companies had no legal or moral commitments or promises—and certainly no binding contracts—which obligated them to pay lifetime healthcare benefits and life insurance for former employees and their families. However, those companies which do have such obligations, should fulfill those obligations.

The Fiction: ''In the late 1980s and early 1990s, a number of large companies had stopped paying into the employer fund which financed the health benefits of their former workers. This placed the health benefits of the retirees at risk.''

The Fact: In truth, the crisis atmosphere was created by the UMWA and the Bituminous Coal Operators' Association (BCOA). The BCOA did not comply with the contract provisions for increased health care benefit contributions. The UMWA did not pursue the legal remedies to enforce the contract guarantee provisions which would have assured the financial health of the funds.

Furthermore, it was the BCOA and the UMWA who pooled their resources in 1991 to launch, promote and win passage of a new funding mechanism benefitting both the union and the BCOA. That solution was to reach back across the decades to impose retroactive Federal taxes on private businesses.

Under this ill-conceived policy, any company which had ever signed a National Bituminous Coal Wage Agreement (NBCWA) between 1950 and 1987 would have to pay $2,349.38 per year, per beneficiary assigned by the Social Security Administration. The annually-adjusted premiums run from 1993 through 2043. The Treasury Department and the Internal Revenue Service also must participate in this overreach of Federal tax authority to impose $100 per day, per beneficiary penalties on any Reachback company which does not pay promptly.

The Fiction: ''. . . Many of these companies (the Reachbacks) have been held liable for the lifetime health benefits of their

former employees in a slew of court decisions based on their contractual commitments.''

The Fact: This is inaccurate. This complex claim is traced to a clause inserted in the 1978 pension and benefit trust documents. In short, the clause said any employer which ever employed any participant covered by a UMWA benefit plan is obligated to the terms and conditions of the of the National Bituminous Coal Wage Agreement of 1978, as amended, and to any successor agreements.

The truth is there is nothing in the so-called ''evergreen'' litigation to suggest—much less to hold—that companies are liable to provide lifetime health benefits to their former employees. More importantly, a final decision on the ''evergreen'' theory has yet to be made, as the ''evergreen'' litigation remains pending before at least three different federal judges.

Since passage of the Coal Act, the facts have demonstrated that the Reachback companies never authorized or agreed to any obligation which would have perpetually bound them to contribute to UMWA funds, without regard to the terms of their contracts with the UMWA or whether their employees continued to be represented by the union.

Furthermore, there is absolutely nothing in the so-called ''evergreen'' clause which would apply to all of the Reachbacks. Consider these two glaring facts, then ask yourself how ''evergreen'' could possibly be linked to the Reachbacks:

First, the so-called ''evergreen'' clause did not even appear in any of the trust documents until 1978. Many of the Reachback companies did not sign or agree to the 1978 or later NBCWAs.

Second, even among those companies which did sign the 1978 or later agreement, the so-called ''evergreen'' clause could impose no liability on the majority of companies which left the bituminous coal industry. That's because the clause is based on the amount of bituminous coal produced and/or the number of UMWA coal miner hours worked. If there is no bituminous coal produced, there are no tons or miner hours to drop into an equation. Therefore, there is no math here on which to build a case of branding the Reachbacks as party to the retiree healthcare program, the Coal Act or the Combined Benefit Fund.

The Fiction: ''Holding Reachback coal companies liable for the healthcare benefits of their former employees was the best way to shore up the health benefits trust fund and simply means expecting that promises are kept.''

The Fact: The Reachbacks made no promises to provide lifetime healthcare benefits for industry retirees. These Reachbacks satisfied all of their obligations, including claims from the union, when they left the bituminous coal business or ended their association with the union. Far from ''dumping'' or ''orphaning'' former employees, as some would suggest, the Reachback companies were participating in a multi-employer retiree health benefits system.

Historically, as companies chose not to participate in subsequent bituminous coal wage agreements, the remaining signatory companies continued covering the costs of retirees who had worked for others. Companies entering the business which signed a bituminous coal wage agreement paid into the funds on the same basis as companies which had been in the business, although they may not have had any retirees. This approach was the core concept behind the multi-employer retiree health benefits system.

When Reachbacks ended their participation in bituminous coal wage agreements, they had contributed many millions of dollars to pay benefits for retired miners from other defunct companies or from companies which had elected not to sign future wage agreements.

The Fiction: ''The Cochran bill pretends that a surplus in the health fund exists. That phoney surplus is then used to give a tax break to this favored group of companies.''

The Fact: Trustees and managers of the fund itself have confirmed a huge surplus exists. The fund has reported these surpluses in each monthly statement. A telephone call today will confirm this. The General Accounting Office (GAO) estimated last June the surplus would be at $103 million at the end of the fund's first fiscal year, October 1, 1994. The GAO was off by 10 percent. The fund actually reported an almost $115 million surplus on October 1, 1994. Although the magnitude of the surplus was debated by three expert witnesses at the June 22 hearing, it was clear that the fund will continue to sustain a steady surplus into the next century.

The Fiction: Reachbacks are ''a favored group of companies.''

The Fact: This is incorrect. Congress harmed all of these Reachbacks, devastated many and ruined others. It certainly did not do them any favors. The tax has caused perhaps irreparable damage to many small and family-owned businesses. It has forced the cancellation or postponement of hard-earned raises for hundreds of thousands of innocent working men and women throughout the country.

The Fiction: ''Make no mistake about it, the deficit would be increased in order to pay for this tax break. . .''

The Fact: The deficit was increased by passage of the Reachback Tax. Repeal of the Reachback Tax would lower the deficit. The Reachback provision of the Coal Act increased the deficit because it immediately appropriated an additional $10 million to the Social Security Administration. Those funds were consumed long ago and Social Security still has a staggering backlog of Reachback appeals.

Passage of the Reachback Tax also has forced the Department of Health and Human Services, the Department of Treasury, the Internal Revenue Service, the Department of Justice and other Federal agencies to spend millions of dollars to administer, monitor, enforce and adjudicate the tax. The Reachback Tax also robbed the Treasury of millions in revenues because the tax was fully deductible to the corporations to pay it.

The Congressional Joint Tax Committee has indicated it is likely that Federal tax receipts will increase if the Reachback Tax is repealed. This gain to the Treasury will occur because the contributions to the fund are fully deductible from corporate taxable income.

Furthermore, the presence of a private union welfare plan in the budget is, in itself, improper Federal tax policy and budget policy.

The Fiction: The Finance Committee held Coal Act hearings.

The Fact: No such hearings occurred on the Coal Act. The Senate Finance Subcommittee on Medicare and Long Term Care did hold hearings on the Coal Commission Report on Health Benefits for Retired Coal Miners.

The Fiction: The GAO wrote Senator Cochran May 25 ''to inform him there is not a growing surplus in the health fund.''

The Fact: Several members of Congress, including me, have asked the GAO to update its audit of the fund. We are waiting for that report, which the GAO said it could not have ready for the June 22 House Ways and Means Subcommittee on Oversight hearing. The GAO has not reported to me that the fund's surplus is shrinking. What the GAO did report is that a private consulting firm, using medical cost trend rates well above accepted national and industry standards, produced a report per scenarios drawn by the union fund managers that showed the fund might show a deficit in the early years of the next century. However, the GAO and another highly-respected private accounting firm previously have suggested the fund will enjoy surpluses in the next century. Towers, Perrin actuaries forecast a $2.6 billion surplus when the fund runs its course in 2043.

The Fiction: ''The claimed growing surplus in the fund does not exist and has never existed.''

The Fact: This is inaccurate. The reality of a surplus is not subject to interpretation. Trustees and managers of the fund have confirmed to all interested parties that the fund is in surplus and has been in surplus the past two years. The annual and monthly reports published by the fund confirm this.

The Fiction: ''There are 341 companies that are currently responsible for paying for health benefits under the act.''

The Fact: In a June 8 letter from the fund, the acting executive director reported 473 companies are being billed for premiums. There was no accounting for the over 200 other companies which had signed NBCWA contracts between 1950 and 1987 and which were originally published as Reachbacks. That list included such notable American businesses as General Motors, which the fund said was obligated for 90 beneficiaries, or $2,114,442 this year alone.

The Fiction: ''Ernst and Young found that the fund is likely to run a $39 million deficit by the year 2003.''

The Fact: That's only one scenario Ernst and Young suggested in a set of projections commissioned by the fund. Ernst and Young also found a healthy surplus in the fund in another scenario. The scenarios which suggested a deficit used medical cost trend rate projections which are 3.0 to 4.4 percent higher than nationally accepted industry standards. Interestingly, Ernst and Young uses 5.5 percent medical trend rate calculations to provide retiree healthcare projections to clients who are Reachback companies. Ernst and Young agreed to use 8.1 percent to 9.9 percent medical cost trend rates to figure projections for the UMWA's combined benefit fund.

The Fiction: ''The Cochran Dear Colleague says that a court ruling on the constitutionality of the Coal Act is a year away.

The Fact: The Federal District Court in Pittsburgh ruled June 7 that the Coal Act was a violation of the Fifth Amendment of the Constitution. (*Unity Real Estate Co.* v. *Trustees of the United Mine Workers of America Combined Benefit Fund*) Numerous other suits and appeals are pending. It is likely that the Supreme Court will be the final arbiter of the constitutionality of the Coal Act.

The Fiction: ''The healthcare and security of many vulnerable people rest on the ability of the Senate to deal with the facts and reject myths being spread by companies looking to back away from their own promises.''

The Fact: The UMWA retirees' health benefit plan should not be the responsibility of the Senate. Rather, it is clearly in the hands of the individuals, their trade union and the companies which have signed and agreed to contracts promising such healthcare and security.

The Fiction: ''This issue is complex and that complexity can be confusing.''

The Fact: This is not a confusing issue. Far from it. Actually, it is quite clear cut and straight forward.

The Congress should never have been drawn into the collective bargaining process between the coal miner union and the coal mine owners.

The union and the owners became strange bedfellows in the coalition which lobbied for passage of the Coal Act and now is fighting any change in the Reachback Tax.

This legislation has cost American taxpayers tens of millions of dollars.

Reachback companies made no promises to provide lifetime healthcare benefits to members of the UMWA and should not be subjected to a retroactive, unfair, unjust and perhaps illegal federally-mandated tax and taxpayer-subsidized straightjacket to pay for those benefits.

Hundreds of innocent private businesses and hundreds of thousands of innocent Americans have wilted because of the poison sprayed on them by the ill-conceived Reachback Tax.

Even if we in the Congress were to enact remedial legislation this week, where would these companies, their employees, managers and shareholders go to recoup the tens of millions of dollars in premiums already dumped into their fund, as well as their lost incomes, lost wages and lost expenses?

M.I.T. PRESIDENT CHARLES M. VEST—IN SEARCH OF MEDIOCRITY: IS AMERICA LOSING ITS WILL TO EXCEL

Mr. KENNEDY. Mr. President, as the budget process continues, Congress is required to define priorities and make difficult choices about funding, particularly funding that will affect educational opportunities for our students, the strength of our research base, and the Nation's competitiveness in the global economy in the years ahead. In a recent address to the National Press Club, Charles M. Vest, president of Massachusetts Institute of Technology, described in compelling terms the need to maintain our strong, bipartisan commitment to funding university-based reseach. I believe that his address entitled, ''In search of Mediocrity: Is America Losing its Will to Excel?'' will be of interest to all of us in Congress concerned with these priorities, and I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

[From the National Press Club, July 18, 1995]

IN SEARCH OF MEDIOCRITY: IS AMERICA LOSING ITS WILL TO EXCEL?

(By Charles M. Vest)

I appreciate the opportunity to talk with you this afternoon. I note that the company of speakers I join includes, among others, both movie actors and movie subjects. Next week, this Club will hear from Jim Lovell, the astronaut who commanded the Apollo 13 mission. The Apollo 13 drama reminds us that science and technology are an essential part of the human adventure.

But science and technology are not just activities for astronauts and academics.

Science and technology affect our lives every day and they create immense benefits and opportunities for all of us. Their progress over the past few decades has been as dramatic as the movie that Americans are flocking to see.

What are some of these benefits?

You would expect me, as a university president, to have a catechism to recite. But listen instead to what the CEOs of 16 major U.S. corporations said recently. In an unprecedented joint statement entitled A Moment of Truth for America, they said:

''Imagine life without polio vaccines and heart pacemakers. Or digital computers. Or municipal water purification systems. Or space-based weather forecasting. Or advanced cancer therapies. Or jet airlines. Or disease-resisting grains and vegetables. Or cardiopulmonary resuscitation.''

That . . . and much, much, more . . . is what science and technology—and our nation's universities—have made possible.

But today, rather than building upon this success, we are about to undermine it.

The Congressional budget resolution proposes to reduce the budget for civilian research and development by over 30 percent. The long-term outlook is no better in the Administration's new budget proposal.

Do we know what that will mean for the advancement of the knowledge that fuels the American economy and creates a better quality of life? Our budget choices would be simpler if we had such wisdom and foresight!

We live in an age in which knowledge holds the key to our security, welfare, and standard of living . . . an age in which technological leadership will determine who wins the next round of global competition . . . and the jobs and profits that come from it . . . an age in which events move so rapidly that almost 80 percent of the computer industry's revenues come from products that did not even exist just two years ago.

The cornerstone of our era—the information age—is education. Today, America's system of higher education and research is the best in the world. Period. But will it be the world's standard of excellence ten years from now? If the nation is to be preeminent a decade hence, if we are not only to compete but lead, then we must sustain these unique American institutions.

Why? What is so special about our research universities?

First, the weaving together of teaching and research in a single organization gives us excellent research, and it gives us superior education. Universities combine research and teaching to create vital learning communities—open communities of scholars that advance our understanding and introduce fresh and innovative young minds into the creation of knowledge * * * thereby educating the next generation of scientists and engineers.

And second, research universities are the foundation of our entire national research infrastructure. Supporting the advancement of scientific and technical knowledge is an investment. It is an investment in the future of our human capital—people and their ideas. It is an investment in the future quality of life, health, and welfare of the American people.

This two-part rationale was articulated 50 years ago this month in a report to President Truman entitled Science—The Endless Frontier. It presented the vision of Vannevar Bush, who had directed the nation's wartime science effort. That vision set a confident America on a search for excellence. And America has benefited beyond measure from this quest.

Under current budget scenarios, however, we are in danger of disinvesting in our future. The cost of doing so * * * and of drifting toward mediocrity in science, technology, and advanced education is simply too great to pay.

We must regain our vision, our confidence, and our will to excel.

The Federal government is rightly concerned about the budget deficit. It is making hard choices. We all have to make hard choices. But these decisions have to be based on a vision of the future and on an understanding of what hangs in the balance.

Is a one-third reduction in civilian research and development really a savings? Or is it a body blow to our national innovation system, our future competitiveness, and our leadership?

In the current debate, many seem unwilling or unable to retain, let alone enhance, our national excellence in science and advanced education. Instead of pursuing our endless opportunities, we are in danger of drifting toward mediocrity.

This need not be the case. It must not be the case.

It used to be that universities and the federal government—in the White House and on Capitol Hill—and the voting public—had a broadly shared sense of the benefits to be derived from investing in education and research . . . and a shared commitment to the future.

This commitment is rapidly fading. Although leaders in both parties and in both branches of government are struggling to retain it, it is fading.

Today, the future has no organized political constituency.

Since the 1980s, when I began my career as a senior university administrator, I have seen an unraveling of a once fruitful partnership between universities and the government. Its fabric has been frayed by a steady onslaught of policy and budget instability, rule changes, investigations, and deepening distrust.

Congressional hearings and media exposés on the reimbursement of the costs of federally sponsored research have tarnished the image of universities. Most of the real issues have long since been addressed, but a residue of misunderstanding and cynicism remains.

At the same time, the federal government has steadily asked the universities to take on added missions and requirements without providing the resources to meet them.

It is in this strained environment that the nation is now debating the future federal role and responsibility for university research and education in science and technology.

The issue before us transcends partisan politics. The issue is whether Washington budgeteers and decision-makers have the political will and the vision to serve society's long-term need for new knowledge, new technologies, and, above all, for superbly educated young men and women.

Sometimes the debate sounds strange to the ears of this academic. During an important recent mark-up session, for example, a Congressman actually commented: ''I don't give a damn about the science, but I sure love the politics!''

There are those of us who would like to see those sentiments reversed! And this includes the American public. Recent polls show that nearly 70 percent of the American public thinks it is very important for the government to support research, and nine out of ten want the country to maintain its position as a leader in medical research. In fact, 73 percent are willing to pay higher taxes to support more medical research.

What we need now is not a partisan political debate. What we need to come together again in the best interests of the next generation.

We are all facing pressures to cut costs and become more effective and efficient—in government, academia, and industry.

Industry is doing its part . . . by production better, more competitive products, improving processes, reducing cycle times, improving quality, and meeting environmental challenges. The same intense competitive pressures that stimulated these changes, however, have increasingly focused industrial R&D on short-term objectives. Appropriately so. But research of more general and

longer term value has been scaled back tremendously.

Industry's nearly total R&D focus on rapidly commercializing products, when combined with growing constraints on support of university research, could devastate our national innovation system. It could well leave us without a shared, evolving base of new scientific knowledge and new technology. It could destroy the primary source of tomorrow's products, jobs, and health.

Many Americans have long been concerned that we were mortgaging our children's future with ever-increasing federal budget deficits. Rightly so. We must not, however, foreclose on their future by failing to invest in their education . . . and in the research that will be the basis of their progress.

We must be wise enough to balance our priorities, with both the present and the future in mind. Such a balance clearly requires our research universities to transform with the times.

I certainly recognize this. Our unique qualities do not exempt us from change. We cannot expect a 1945 policy to be applied unchanged in 1995. Nor can we expect to be exempted from intense budgetary pressures. But there are enduring principles that must be sustained. We must strike the right balance between holding to fundamentals and reforming ourselves if we are to continue our journey toward that ''endless frontier.''

How are we to do this?

First, each member of the education and research partnership must learn how to be efficient, productive and excellent. Industry has learned how to add value, improve quality, and become more cost-effective—and is significantly more competitive as a result. Government is struggling to do the same. Research universities must follow suit.

At MIT, we have enlisted private-sector help to reengineer many of our administrative activities in order to improve our effectiveness and reduce our annual costs by $40 million. There will be a corresponding reduction in our staff. Similar efforts are taking place at universities around the country. We also are exploring exciting ways to use new information technologies, like the World Wide Web, to improve teaching and learning. And radical revisions in our engineering and management curricula to meet the needs of a new era are well underway.

Increasing effectiveness is one thing we can do. Specialization is another.

I believe that each college and university should focus on what it does best. There is not enough money for every institution to do everything. We need institutional differentiation. Each of us—from community colleges to research universities—must focus our attention on where we can make the greatest contribution. Across-the-board reductions may be politically palatable, but they are likely to produce mediocrity.

We need to make tough judgment calls and we need to support the most effective programs. This isn't easy. But government at all levels, and industry, must make the decision to support excellence . . . not to engage America's research universities in a war of attrition. Let's not do to our research universities what we've done to our K–12 school system.

Improving productivity and changing what needs to be changed are only partial answers to our problem. Even more important is adhering to the two basic principles that have guided us to success over the past half-century.

The first principle is understanding that research funding is an investment in our future.

A variety of studies put the return on this investment in the range of 25 to 50 percent. A more dramatic assessment is provided by my colleague Michael Dertouzos, who is the director of MIT's Laboratory for Computer Science. He points out that over the last three decades, the Department of Defense has funded university research in information technology to the tune of some $5 billion. These university programs created one-third to one-half of the major breakthroughs for the computer and communications industry. Today, these businesses account for $500 billion of U.S. Gross Domestic Product. That is a return on the investment of at least 3,000 percent.

Another measure of return on the investment in university research is jobs. A 1989 study by the Bank of Boston found that MIT graduates and faculty alone had founded over 600 companies in Massachusetts. These companies, with annual sales totaling $40 billion, created jobs for over 300,000 people in the region.

Similarly, the Chase Manhattan Bank identified 225 companies in the Silicon Valley founded by MIT students, alumni, and faculty. These companies recorded revenues in excess of $22 billion, accounting for over 150,000 jobs.

Similar stories can be told by public and private universities all across the country. Remember this return on investment when you hear talk about the cost of research and education in the national budget debate.

In the budget debate, it is important to remember a second principle that also has served us extremely well: federal dollars for university research do double duty. They support the conduct of research and they educate the next generation.

Here is how it works: Most graduate students in science and engineering are supported by federal grants and contracts that pay their tuition and enable them to attend the university. In return for this investment in their future, these students perform much of the actual research. And let me tell you, the lights in their laboratories burn late into the night. They are working to pay for their education.

Student involvement in research is not confined to the graduate level. At MIT, for example, nearly 80 percent of our undergraduates join faculty research teams. Their learning experience and their substantive contributions to research are simply astounding.

This blending of teaching and research is at the heart of America's research universities. For when you think about it, research is the ultimate form of teaching and learning. Fred Terman, a great leader of Stanford University, and a driver in the creation of Silicon Valley, was once asked whether he wanted his university to emphasize teaching or research. Terman's reply was: ''I want this to be a learning university.'' He captured the essence of our institutions.

Now, however, this integration of teaching and research is at risk. Why? Because government agencies are paying less and less of the actual costs of the research they sponsor. In order to make up the difference, universities are being forced to tap scarce resources that are not intended for this purpose. This creates enormous pressures to increase tuition—precisely what we do not want to do.

In addition, government regulations are increasing—in both magnitude and inflexibility. For example, the latest federal regulations have boosted the cost of our undergraduate research program so dramatically that this innovative educational experience is in jeopardy.

The linkage between education and research, the idea of research as an investment rather than as a cost—these are vital principles which we neglect at our peril.

There are several other principles as well, including accountability for results in research and education; a commitment to access and opportunity; the free and open competition of ideas; and a dedication to excellence.

Those young people with the talent to discover new sources of energy, to unlock the workings of the mind, or to find the cure for AIDS come from all strata of our society. Many require financial assistance. All deserve access to the best education we can provide. Because all of us will depend on their leadership and their innovation in the decades ahead.

Who are these young people who will lead us into the future? Let me introduce two of them from MIT.

First, meet Jennifer Mills. Jennifer is a physics undergraduate from Portland, Oregon. In the summer of her junior year, she wrote much of the computer code that was used to produce the remarkable images from the Hubble Space Telescope that we all saw on television when the Shoemaker/Levy comet collided with the planet Jupiter.

And meet James McLurkin, from Baldwin, New York. James graduated last month with an undergraduate degree in electrical engineering and a minor in mechanical engineering. As a senior, he created a tiny robot that may well revolutionize certain kids of surgery . . . enabling surgeons, for example, to operate inside the body without touching the patient directly.

These are the kinds of young men and women in whom we, through the Federal government, must invest if we are to embrace excellence rather than mediocrity.

Unfortunately, no organized political constituency protects the interests of our future. No interest groups fund telephone banks and direct mail operations to activate grass roots voters on behalf of investments in tomorrow. No political action committee invests in students like Jennifer or James.

But every citizen will suffer if we are short-sighted in the allocation of resources. If we do not invest in research and advanced education, we will not win the battles against polluted air and water, crumbling bridges and highways, infant mortality, Alzheimer's disease, or hunger in the world, to name just a few.

We all have the responsibility to become trustees and guardians of our future . . . and the future of our daughters and sons:

University faculty must continually enhance the learning process, and we must do a better job of explaining to the public what we do, why we do it, and how it relates to their values and needs.

Industry leaders need to explain the benefits to the economy of research and development . . . and their responsibilities to the entire national innovation system.

Public policy makers need to take the long view . . . and they will do that if we, the public, insist that they do.

And, yes, the media have a critical role to play . . . by discussing the importance of these issues and by elevating the national debate.

In many ways, it has been the end of the Cold War that has brought us to this point . . . a point of uncertainty and opportunity.

We now must have the foresight and wisdom to turn our intellectual powers to solving the problems of a new age. We must have the will to sustain our economic security, eradicate the scourge of disease, create the jobs of tomorrow, lift the shadow of ignorance, and heal the earth's environment.

Meeting these challenges will require vision, confidence, and the will to excel. And it will require us to continue exploring the frontiers of the unknown. For the key to a vibrant future lies more in what we do not know, than in what we do know. We must sustain excellence in research and advanced education.

Thank you very much.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

LEGISLATIVE BRANCH APPROPRIATIONS FOR FISCAL YEAR 1996

Mr. DOLE. Mr. President, I am advised that this request has been cleared by the Democratic leader.

I ask unanimous consent that the Senate now turn to the consideration of H.R. 1854, the legislative branch appropriations bill.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1854) making appropriations for the legislative branch for the fiscal year ending September 30, 1996, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

H.R. 1854

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 1996, and for other purposes, namely:

TITLE I—CONGRESSIONAL OPERATIONS

SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $10,000; the President Pro Tempore of the Senate, $10,000; Majority Leader of the Senate, $10,000; Minority Leader of the Senate, $10,000; Majority Whip of the Senate, $5,000; Minority Whip of the Senate, $5,000; and Chairmen of the Majority and Minority Conference Committees, $3,000 for each Chairman; in all, $56,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $69,727,000, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $1,513,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $325,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $2,195,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $656,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $996,000 for each such committee; in all, $1,992,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $360,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $965,000 for each such committee, in all, $1,930,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $192,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $12,128,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $31,889,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,047,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $15,500,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $3,381,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $936,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $3,000; Sergeant at Arms and Doorkeeper of the Senate, $3,000; Secretary for the Majority of the Senate, $3,000; Secretary for the Minority of the Senate, $3,000; in all, $12,000.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section 112 of Public Law 96–304 and Senate Resolution 281, agreed to March 11, 1980, $66,395,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $305,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $1,266,000.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $61,347,000.

MISCELLANEOUS ITEMS

For miscellaneous items, $6,644,000.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $204,029,000.

OFFICE OF SENATE FAIR EMPLOYMENT PRACTICES

For salaries and expenses of the Office of Senate Fair Employment Practices, $778,000.

SETTLEMENTS AND AWARDS RESERVE

For expenses for settlements and awards, $1,000,000, to remain available until expended.

STATIONERY (REVOLVING FUND)

For stationery for the President of the Senate, $4,500, for officers of the Senate and the Conference of the Majority and Conference of the Minority of the Senate, $8,500; in all, $13,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $11,000,000.

RESCISSION

Of the funds previously appropriated under the heading ''SENATE'', $63,544,724.12 are rescinded.

ADMINISTRATIVE PROVISIONS

SECTION 1. (a) On and after October 1, 1995, no Senator shall receive mileage under section 17 of the Act of July 28, 1866 (2 U.S.C. 43).

(b) On and after October 1, 1995, the President of the Senate shall not receive mileage under the first section of the Act of July 8, 1935 (2 U.S.C. 43a).

SEC. 2. (a) There is established in the Treasury of the United States within the contingent fund of the Senate a revolving fund, to be known as the ''Office of the Chaplain Expense Revolving Fund'' (hereafter referred to as the ''fund''). The fund shall consist of all moneys collected or received with respect to the Office of the Chaplain of the Senate.

(b) The fund shall be available without fiscal year limitation for disbursement by the Secretary of the Senate, not to exceed $10,000 in any fiscal year, for the payment of official expenses incurred by the Chaplain of the Senate. In addition, moneys in the fund may be used to purchase food or food related items. The fund shall not be available for the payment of salaries.

(c) All moneys (including donated moneys) received or collected with respect to the Office of the Chaplain of the Senate shall be deposited in the fund and shall be available for purposes of this section.

(d) Disbursements from the fund shall be made on vouchers approved by the Chaplain of the Senate.

SEC. 3. Funds appropriated under the heading, ''Settlements and Awards Reserve'' in Public Law 103–283 shall remain available until expended.

SEC. 4. Section 902 of the Supplemental Appropriations Act, 1983 (2 U.S.C. 88b–6) is amended by striking the second sentence and inserting the following: ''The amounts so withheld shall be deposited in the revolving fund, within the contingent fund of the Senate, for the Daniel Webster Senate Page Residence, as established by section 4 of the Legislative Branch Appropriations Act, 1995 (2 U.S.C. 88b–7).''.

SEC. 5. (a) Any payment for local and long distance telecommunications service provided to any user by the Sergeant at Arms and Doorkeeper of the Senate shall cover the total invoiced amount, including any amount relating to separately identified toll calls, and shall be charged to the appropriation for the fiscal year in which the underlying base service period covered by the invoice ends.

(b) As used in subsection (a), the term ''user'' means any Senator, Officer of the Senate, Committee, office, or entity provided telephone equipment and services by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 6. Section 4(b) of Public Law 103–283 is amended by inserting before ''collected'' the following: ''(including donated moneys)''.

SEC. 7. Section 1 of Public Law 101–520 (2 U.S.C. 61g–6a) is amended to read as follows:

''SECTION 1. (a)(1) The Chairman of the Majority or Minority Policy Committee of the Senate may, during any fiscal year, at his or her

election transfer funds from the appropriation account for salaries for the Majority and Minority Policy Committees of the Senate, to the account, within the contingent fund of the Senate, from which expenses are payable for such committees.

''(2) The Chairman of the Majority or Minority Policy Committee of the Senate may, during any fiscal year, at his or her election transfer funds from the appropriation account for expenses, within the contingent fund of the Senate, for the Majority and Minority Policy Committees of the Senate, to the account from which salaries are payable for such committees.

''(b)(1) The Chairman of the Majority or Minority Conference Committee of the Senate may, during any fiscal year, at his or her election transfer funds from the appropriation account for salaries for the Majority and Minority Conference Committees of the Senate, to the account, within the contingent fund of the Senate, from which expenses are payable for such committees.

''(2) The Chairman of the Majority or Minority Conference Committee of the Senate may, during any fiscal year, at his or her election transfer funds from the appropriation account for expenses, within the contingent fund of the Senate, for the Majority and Minority Conference Committees of the Senate, to the account from which salaries are payable for such committees.

''(c) Any funds transferred under this section shall be—

''(1) available for expenditure by such committee in like manner and for the same purposes as are other moneys which are available for expenditure by such committee from the account to which the funds were transferred; and

''(2) made at such time or times as the Chairman shall specify in writing to the Senate Disbursing Office.

''(d) The Chairman of a committee transferring funds under this section shall notify the Committee on Appropriations of the Senate of the transfer.''.

(b) The amendment made by this section shall take effect on October 1, 1995, and shall be effective with respect to fiscal years beginning on or after that date.

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $671,561,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $11,271,000, including: Office of the Speaker, $1,478,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $1,470,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $1,480,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $928,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $918,000, including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $376,000; Republican Steering Committee, $664,000; Republican Conference, $1,083,000; Democratic Steering and Policy Committee, $1,181,000; Democratic Caucus, $566,000; and nine minority employees, $1,127,000.

MEMBERS' REPRESENTATIONAL ALLOWANCES INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $360,503,000: *Provided*, That no such funds shall be used for the purposes of sending unsolicited mass mailings within 90 days before an election in which the Member is a candidate.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $78,629,000.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $16,945,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $83,733,000, including: for salaries and expenses of the Office of the Clerk, including not to exceed $1,000 for official representation and reception expenses, $13,807,000; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not to exceed $750 for official representation and reception expenses, $3,410,000; for salaries and expenses of the Office of the Chief Administrative Officer, $53,556,000, including salaries, expenses and temporary personal services of House Information Systems, $27,500,000, of which $16,000,000 is provided herein: *Provided*, That House Information Systems is authorized to receive reimbursement from Members of the House of Representatives and other governmental entities for services provided and such reimbursement shall be deposited in the Treasury for credit to this account; for salaries and expenses of the Office of the Inspector General, $3,954,000; for salaries and expenses of the Office of Compliance, $858,000; Office of the Chaplain, $126,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $1,180,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $1,700,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $4,524,000; and other authorized employees, $618,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $120,480,000, including: supplies, materials, administrative costs and Federal tort claims, $1,213,000; official mail for committees, leadership offices, and administrative offices of the House, $1,000,000; reemployed annuitants reimbursements, $68,000; Government contributions to employees' life insurance fund, retirement funds, Social Security fund, Medicare fund, health benefits fund, and worker's and unemployment compensation, $117,541,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $658,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(d)(1)), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. Effective with respect to fiscal years beginning with fiscal year 1995, in the case of mail from outside sources presented to the Chief Administrative Officer of the House of Representatives (other than mail through the Postal Service and mail with postage otherwise paid) for internal delivery in the House of Representatives, the Chief Administrative Officer is authorized to collect fees equal to the applicable postage. Amounts received by the Chief Administrative Officer as fees under the preceding sentence shall be deposited in the Treasury as miscellaneous receipts.

SEC. 102. Effective with respect to fiscal years beginning with fiscal year 1995, amounts received by the Chief Administrative Officer of the House of Representatives from the Administrator of General Services for rebates under the Government Travel Charge Card Program shall be deposited in the Treasury as miscellaneous receipts.

SEC. 103. The provisions of section 223(b) of House Resolution 6, One Hundred Fourth Congress, agreed to January 5 (legislative day, January 4), 1995, establishing the Speaker's Office for Legislative Floor Activities; House Resolution 7, One Hundred Fourth Congress, agreed to January 5 (legislative day, January 4), 1995, providing for the designation of certain minority employees; House Resolution 9, One Hundred Fourth Congress, agreed to January 5 (legislative day, January 4), 1995, providing amounts for the Republican Steering Committee and the Democratic Policy Committee; House Resolution 10, One Hundred Fourth Congress, agreed to January 5 (legislative day, January 4), 1995, providing for the transfer of two employee positions; and House Resolution 113, One Hundred Fourth Congress, agreed to March 10, 1995, providing for the transfer of certain employee positions shall each be the permanent law with respect thereto.

SEC. 104. (a) The five statutory positions specified in subsection (b), subsection (c), and subsection (d) are transferred from the House Republican Conference to the Republican Steering Committee.

(b) The first two of the five positions referred to in subsection (a) are—

(1) the position established for the chief deputy majority whip by subsection (a) of the first section of House Resolution 393, Ninety-fifth Congress, agreed to March 31, 1977, as enacted into permanent law by section 115 of the Legislative Branch Appropriation Act, 1978 (2 U.S.C. 74a–3); and

(2) the position established for the chief deputy majority whip by section 102(a)(4) of the Legislative Branch Appropriations Act, 1990;

both of which positions were transferred to the majority leader by House Resolution 10, One Hundred Fourth Congress, agreed to January 5 (legislative day, January 4), 1995, as enacted into permanent law by section 103 of this Act, and both of which positions were further transferred to the House Republican Conference by House Resolution 113, One Hundred Fourth Congress, agreed to March 10, 1995, as enacted into permanent law by section 103 of this Act.

(c) The second two of the five positions referred to in subsection (a) are the two positions established by section 103(a)(2) of the Legislative Branch Appropriations Act, 1986.

(d) The fifth of the five positions referred to in subsection (a) is the position for the House Republican Conference established by House Resolution 625, Eighty-ninth Congress, agreed to October 22, 1965, as enacted into permanent law by section 103 of the Legislative Branch Appropriation Act, 1967.

(e) The transfers under this section shall take effect on the date of the enactment of this Act.

SEC. 105. (a) Notwithstanding any other provision of law, or any rule, regulation, or other authority, travel for studies and examinations under section 202(b) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(b)) shall be governed by applicable laws

or regulations of the House of Representatives or as promulgated from time to time by the Chairman of the Committee on Appropriations of the House of Representatives.

(b) Subsection (a) shall take effect on the date of the enactment of this Act and shall apply to travel performed on or after that date.

SEC. 106. (a) Notwithstanding the paragraph under the heading ''GENERAL PROVISION'' in chapter XI of the Third Supplemental Appropriation Act, 1957 (2 U.S.C. 102a) or any other provision of law, effective on the date of the enactment of this section, unexpended balances in accounts described in subsection (b) are withdrawn, with unpaid obligations to be liquidated in the manner provided in the second sentence of that paragraph.

(b) The accounts referred to in subsection (a) are the House of Representatives legislative service organization revolving accounts under section 311 of the Legislative Branch Appropriations Act, 1994 (2 U.S.C. 96a).

SEC. 107. (a) Each fund and account specified in subsection (b) shall be available only to the extent provided in appropriation Acts.

(b) The funds and accounts referred to in subsection (a) are—

(1) the revolving fund for the House Barber Shops, established by the paragraph under the heading ''HOUSE BARBER SHOPS REVOLVING FUND'' in the matter relating to the House of Representatives in chapter III of title I of the Supplemental Appropriations Act, 1975 (Public Law 93–554; 88 Stat. 1776);

(2) the revolving fund for the House Beauty Shop, established by the matter under the heading ''HOUSE BEAUTY SHOP'' in the matter relating to administrative provisions for the House of Representatives in the Legislative Branch Appropriation Act, 1970 (Public Law 91–145; 83 Stat. 347);

(3) the special deposit account established for the House of Representatives Restaurant by section 208 of the First Supplemental Civil Functions Appropriation Act, 1941 (40 U.S.C. 174k note); and

(4) the revolving fund established for the House Recording Studio by section 105(g) of the Legislative Branch Appropriation Act, 1957 (2 U.S.C. 123b(g)).

(c) This section shall take effect on October 1, 1995, and shall apply with respect to fiscal years beginning on or after that date.

SEC. 107A. For fiscal year 1996, subject to the direction of the Committee on House Oversight of the House of Representatives, of the total amount deposited in the account referred to in section 107(b)(3) of this Act from vending operations of the House of Representatives Restaurant System, the cost of goods sold shall be available to pay the cost of inventory for such operations.

SEC. 108. The House Employees Position Classification Act (2 U.S.C. 291, et seq.) is amended—

(1) in section 3(1), by striking out ''Doorkeeper, and the Postmaster,'' and inserting in lieu thereof ''Chief Administrative Officer, and the Inspector General'';

(2) in the first sentence of section 4(b), by striking out ''Doorkeeper, and the Postmaster,'' and inserting in lieu thereof ''Chief Administrative Officer, and the Inspector General'';

(3) in section 5(b)(1), by striking out ''Doorkeeper, and the Postmaster'' and inserting in lieu thereof ''Chief Administrative Officer, and the Inspector General''; and

(4) in the first sentence of section 5(c), by striking out ''Doorkeeper, and the Postmaster,'' and inserting in lieu thereof ''Chief Administrative Officer, and the Inspector General''.

SEC. 109. (a) Upon the approval of the appropriate employing authority, an employee of the House of Representatives who is separated from employment, may be paid a lump sum for the accrued annual leave of the employee. The lump sum—

(1) shall be paid in an amount not more than the lesser of—

(A) the amount of the monthly pay of the employee, as determined by the Chief Administrative Officer of the House of Representatives; or

(B) the amount equal to the monthly pay of the employee, as determined by the Chief Administrative Officer of the House of Representatives, divided by 30, and multiplied by the number of days of the accrued annual leave of the employee;

(2) shall be paid—

(A) for clerk hire employees, from the clerk hire allowance of the Member;

(B) for committee employees, from amounts appropriated for committees; and

(C) for other employees, from amounts appropriated to the employing authority; and

(3) shall be based on the rate of pay in effect with respect to the employee on the last day of employment of the employee.

(b) The Committee on House Oversight shall have authority to prescribe regulations to carry out this section.

(c) As used in this section, the term ''employee of the House of Representatives'' means an employee whose pay is disbursed by the Clerk of the House of Representatives or the Chief Administrative Officer of the House of Representatives, as applicable, except that such term does not include a uniformed or civilian support employee under the Capitol Police Board.

(d) Payments under this section may be made with respect to separations from employment taking place after June 30, 1995.

SEC. 110. (a)(1) Effective on the date of the enactment of this Act, the allowances for office personnel and equipment for certain Members of the House of Representatives, as adjusted through the day before the date of the enactment of this Act, are further adjusted as specified in paragraph (2).

(2) The further adjustments referred to in paragraph (1) are as follows:

(A) The allowance for the majority leader is increased by $167,532.

(B) The allowance for the majority whip is decreased by $167,532.

(b)(1) Effective on the date of the enactment of this Act, the House of Representatives allowances referred to in paragraph (2), as adjusted through the day before the date of the enactment of this Act, are further adjusted, or are established, as the case may be, as specified in paragraph (2).

(2) The further adjustments and the establishment referred to in paragraph (1) are as follows:

(A) The allowance for the Republican Conference is increased by $134,491.

(B) The allowance for the Republican Steering Committee is established at $66,995.

(C) The allowance for the Democratic Steering and Policy Committee is increased by $201,430.

(D) The allowance for the Democratic Caucus is increased by $56.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $3,000,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON PRINTING

[(TRANSFER OF FUNDS)

[For duties formerly carried out by the Joint Committee on Printing, $750,000, to be divided into equal amounts and transferred to the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate. For the purpose of carrying out the functions of the Joint Committee on Printing for the remainder of the One Hundred Fourth Congress only, the rules and structure of the committee will apply.]

For salaries and expenses of the Joint Committee on Printing, $1,164,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, [$6,019,000] *$5,116,000*, to be disbursed by the Clerk of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including (1) an allowance of $1,500 per month to the Attending Physician; (2) an allowance of $500 per month each to two medical officers while on duty in the Attending Physician's office; (3) an allowance of $500 per month to one assistant and $400 per month each to not to exceed nine assistants on the basis heretofore provided for such assistance; and (4) $852,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $1,260,000, to be disbursed by the Clerk of the House.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

For the Capitol Police Board for salaries, including overtime, hazardous duty pay differential, clothing allowance of not more than $600 each for members required to wear civilian attire, and Government contributions to employees' benefits funds, as authorized by law, of officers, members, and employees of the Capitol Police, [$70,132,000] *$69,825,000*, of which [$34,213,000] *$33,906,000* is provided to the Sergeant at Arms of the House of Representatives, to be disbursed by the Clerk of the House, and $35,919,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: *Provided*, That, of the amounts appropriated under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, the employee assistance program, not more than $2,000 for the awards program, postage, telephone service, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and $85 per month for extra services performed for the Capitol Police Board by an employee of the Sergeant at Arms of the Senate or the House of Representatives designated by the Chairman of the Board, [$2,560,000] *$2,190,000*, to be disbursed by the Clerk of the House of Representatives: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center

for fiscal year 1996 shall be paid by the Secretary of the Treasury from funds available to the Department of the Treasury.

ADMINISTRATIVE PROVISION

SEC. 111. Amounts appropriated for fiscal year 1996 for the Capitol Police Board under the heading ''CAPITOL POLICE'' may be transferred between the headings ''SALARIES'' and ''GENERAL EXPENSES'', upon approval of the Committees on Appropriations of the Senate and the House of Representatives.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, $1,991,000, to be disbursed by the Secretary of the Senate: *Provided*, That none of these funds shall be used to employ more than forty individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

ADMINISTRATIVE PROVISION

SEC. 112. (a) Section 441 of the Legislative Reorganization Act of 1970 (40 U.S.C. 851) is amended by adding at the end the following new subsection:

''(k) In addition to any other function under this section, the Capitol Guide Service shall provide special services to Members of Congress, and to officers, employees, and guests of Congress.''.

(b) Section 310 of the Legislative Branch Appropriations Act, 1990 (2 U.S.C. 130e) is repealed.

(c) The amendment made by subsection (a) and the repeal made by subsection (b) shall take effect on October 1, 1995.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the first session of the One Hundred Fourth Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

[ADMINISTRATIVE PROVISION

[SEC. 112. (a) Section 441 of the Legislative Reorganization Act of 1970 (40 U.S.C. 851) is amended by adding at the end the following new subsection:

[''(k) In addition to any other function under this section, the Capitol Guide Service shall provide special services to Members of Congress, and to officers, employees, and guests of Congress.''.

[(b) Section 310 of the Legislative Branch Appropriations Act, 1990 (2 U.S.C. 130e) is repealed.

[(c) The amendment made by subsection (a) and the repeal made by subsection (b) shall take effect on October 1, 1995.]

OFFICE OF COMPLIANCE

For salaries and expenses of the Office of Compliance, as authorized by section 305 of Public Law 104–1, the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $2,500,000.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the orderly closure of the Office of Technology Assessment, $3,615,000, of which $150,000 shall remain available until September 30, 1997. Upon enactment of this Act, $2,500,000 of the funds appropriated under this heading in Public Law 103–283 shall remain available until September 30, 1996: Provided, That none of the funds made available in this Act shall be available for salaries or expenses of any employee of the Office of Technology Assessment in excess of 17 employees except for severance pay purposes.

ADMINISTRATIVE PROVISIONS

SEC. 113. Upon enactment of this Act all employees of the Office of Technology Assessment for 183 days preceding termination of employment who are terminated as a result of the elimination of the Office and who are not otherwise gainfully employed may continue to be paid by the Office of Technology Assessment at their respective salaries for a period not to exceed 60 calendar days following the employee's date of termination or until the employee becomes otherwise gainfully employed whichever is earlier. A statement in writing to the Director of the Office of Technology Assessment or his designee by any such employee that he was not gainfully employed during such period or the portion thereof for which payment is claimed shall be accepted as prima facie evidence that he was not so employed.

SEC. 114. Notwithstanding the provisions of the Federal Property and Administrative Services Act of 1949, as amended, or any other provision of law, upon the abolition of the Office of Technology Assessment, all records and property of that agency (including Unix system, all computer hardware and software, all library collections and research materials, and all photocopying equipment), with the exception of realty and furniture, are hereby transferred to the jurisdiction and control of the Library of Congress, Congressional Research Service, to be used and employed in connection with its functions.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93–344), including not to exceed $2,500 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, [$23,188,000] *$25,788,000*: *Provided*, That none of these funds shall be available for the purchase or hire of a passenger motor vehicle: *Provided further*, That none of the funds in this Act shall be available for salaries or expenses of any employee of the Congressional Budget Office in excess of [219] *244* full-time equivalent positions: *Provided further*, That any sale or lease of property, supplies, or services to the Congressional Budget Office shall be deemed to be a sale or lease of such property, supplies, or services to the Congress subject to section 903 of Public Law 98–63: *Provided further*, That the Director of the Congressional Budget Office shall have the authority, within the limits of available appropriations, to dispose of surplus or obsolete personal property by inter-agency transfer, donation, or discarding.

[In addition, for salaries and expenses of the Congressional Budget Office necessary to carry out the provisions of title I of the Unfunded Mandates Reform Act of 1995 (Public Law 104–4), as authorized by section 109 of such Act, $1,100,000.]

ADMINISTRATIVE PROVISION

SEC. [113] *115*. Section 8402(c) of title 5, United States Code, is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following:

''(7) The Director of the Congressional Budget Office may exclude from the operation of this chapter an employee under the Congressional Budget Office whose employment is temporary or intermittent.''.

ARCHITECT OF THE CAPITOL

OFFICE OF THE ARCHITECT OF THE CAPITOL

SALARIES

For the Architect of the Capitol, the Assistant Architect of the Capitol, and other personal services, at rates of pay provided by law, [$8,569,000] *$8,876,000*.

TRAVEL

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of $20,000.

CONTINGENT EXPENSES

To enable the Architect of the Capitol to make surveys and studies, and to meet unforeseen expenses in connection with activities under his care, $100,000.

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

For all necessary expenses for the maintenance, care and operation of the Capitol and electrical substations of the Senate and House office buildings, under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment; including not to exceed $1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; purchase or exchange, maintenance and operation of a passenger motor vehicle; and attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, [$22,832,000] *$23,132,000*, of which [$3,000,000] *$2,950,000* shall remain available until expended*: Provided, That hereafter expenses, based on full cost recovery, for flying American flags and providing certification services therefor shall be advanced or reimbursed upon request of the Architect of the Capitol, and amounts so received shall be deposited into the Treasury to the credit of this appropriation.*

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $5,143,000, of which $25,000 shall remain available until expended.

SENATE OFFICE BUILDINGS

For all necessary expenses for maintenance, care and operation of Senate Office Buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $41,757,000, of which $4,850,000 shall remain available until expended.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, $33,001,000, of which $5,261,000 shall remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, Union Station complex, Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall

be deposited into the Treasury to the credit of this appropriation, [$32,578,000] *$31,518,000*: *Provided*, That not to exceed $4,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 1996.

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, [$75,083,000] *$60,084,000*: *Provided*, That no part of this appropriation may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Oversight of the House of Representatives or the Committee on Rules and Administration of the Senate: *Provided further*, That, notwithstanding any other provision of law, the compensation of the Director of the Congressional Research Service, Library of Congress, shall be at an annual rate which is equal to the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, [$88,281,000] *$85,500,000*: *Provided*, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual [Senators,] Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

This title may be cited as the ''Congressional Operations Appropriations Act, 1996''.

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $3,053,000.

[CONSERVATORY RENOVATION

[For renovation of the Conservatory of the Botanic Garden, $7,000,000, to be available to the Architect of the Capitol without fiscal year limitation: *Provided*, That the total amount appropriated for such renovation for this fiscal year and later fiscal years may not exceed $21,000,000.]

ADMINISTRATIVE PROVISIONS

SEC. 201. (a) Section 201 of the Legislative Branch Appropriations Act, 1993 (40 U.S.C. 216c note) is amended by striking out ''$6,000,000'' each place it appears and inserting in lieu thereof ''$10,000,000''.

(b) Section 307E(a)(1) of the Legislative Branch Appropriations Act, 1989 (40 U.S.C. 216c(a)(1)) is amended by striking out ''plans'' and inserting in lieu thereof ''plants''.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress, not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; preparation and distribution of catalog cards and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, [$195,076,000 (less $1,165,000)] *$213,164,000*, of which not more than $7,869,000 shall be derived from collections credited to this appropriation during fiscal year 1996 under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150): *Provided*, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $7,869,000: *Provided further*, That of the total amount appropriated, $8,458,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, $30,818,000, of which not more than $16,840,000 shall be derived from collections credited to this appropriation during fiscal year 1996 under 17 U.S.C. 708(c), and not more than $2,990,000 shall be derived from collections during fiscal year 1996 under 17 U.S.C. 111(d)(2), 119(b)(2), 802(h), and 1005: *Provided*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $19,830,000: *Provided further*, That up to $100,000 of the amount appropriated is available for the maintenance of an ''International Copyright Institute'' in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not to exceed $2,250 may be expended on the certification of the Librarian of Congress or his designee, in connection with official representation and reception expenses for activities of the International Copyright Institute.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the provisions of the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $44,951,000, of which $11,694,000 shall remain available until expended.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase and repair of furniture, furnishings, office and library equipment, $4,882,000, of which $943,000 shall be available until expended only for the purchase and supply of furniture, shelving, furnishings, and related costs necessary for the renovation and restoration of the Thomas Jefferson and John Adams Library buildings.

ADMINISTRATIVE PROVISIONS

SEC. 202. Appropriations in this Act available to the Library of Congress shall be available, in an amount not to exceed $194,290, of which $58,100 is for the Congressional Research Service, when specifically authorized by the Librarian, for attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 203. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15; and

(2) grants such manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term ''manager or supervisor'' means any management official or supervisor, as such terms are defined in section 7103(a) (10) and (11) of title 5, United States Code.

SEC. 204. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of 31 U.S.C. 1535 and 1536 shall not be used to employ more than 65 employees and may be expended or obligated—

(1) in the case of a reimbursement, only to such extent or in such amounts as are provided in appropriations Acts; or

(2) in the case of an advance payment, only—

(A) to pay for such general or administrative overhead costs as are attributable to the work performed for such agency; or

(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

SEC. 205. Not to exceed $5,000 of any funds appropriated to the Library of Congress may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Library of Congress incentive awards program.

SEC. 206. Not to exceed $12,000 of funds appropriated to the Library of Congress may be expended, on the certification of the Librarian of Congress or his designee, in connection with official representation and reception expenses for the Overseas Field Offices.

SEC. 207. Under the heading ''Library of Congress'' obligational authority shall be available, in an amount not to exceed [$86,912,000] *$99,412,000* for reimbursable and revolving fund activities, and [$5,667,000] *$7,295,000* for non-expenditure transfer activities in support of parliamentary development during the current fiscal year.

SEC. 208. Notwithstanding this or any other Act, obligational authority under the heading ''Library of Congress'' for activities *funded by the Agency for International Development* in support of parliamentary development is prohibited, except for Russia, Ukraine, Albania, Slovakia, [and Romania,] *Romania, and Egypt* for other than incidental purposes.

[SEC. 209. (a) Section 206 of the Legislative Branch Appropriations Act, 1994 (2 U.S.C. 132a–1) is amended by striking out ''Effective'' and all that follows through ''provided'', and inserting in lieu thereof ''Obligations for reimbursable activities and revolving fund activities performed by the Library of Congress and obligations exceeding $100,000 for a fiscal year for any single gift

fund activity or trust fund activity performed by the Library of Congress are limited to the amounts provided for such purposes''.

[(b) The amendment made by subsection (a) shall take effect on October 1, 1996, and shall apply with respect to fiscal years beginning on or after that date.]

SEC. 209. The Library of Congress may for such employees as it deems appropriate authorize a payment to employees who voluntarily retire during fiscal 1996 which payment shall be paid in accordance with the provisions of section 5597(d) of title 5, United States Code.

SEC. 210. (a) PURPOSE.—The purpose of this section is to reduce the cost of information support for the Congress by eliminating duplication among systems which provide electronic access by Congress to legislative information.

(b) DEFINITIONS.—For the purpose of this section, the term ''legislative information'' means information about legislation prepared by, or on behalf of, the entire Congress, or by the committees, subcommittees, or offices of the Congress, to include, but not limited to, the text of bills and amendments to bills; the Congressional Record; legislative activity recorded for the Record and/or the current Senate or House bill status systems; committee hearings, reports, and prints.

(c) Consistent with the provisions of any other law, the Library of Congress shall develop and maintain, in coordination with other appropriate Legislative Branch entities, a single legislative information retrieval system to serve the entire Congress.

(d) The Library shall develop a plan for creation of this system, taking into consideration the findings and recommendations of the study directed by House Report No. 103–517 to identify and eliminate redundancies in congressional information systems. This plan must be approved by the Senate Rules and Administration Committee and the House Oversight Committee. The Library shall provide these committees, as well as the Senate and House Appropriations Committees, with regular status reports on the implementation of the plan.

(e) In formulating its plan, the Library shall examine issues regarding efficient ways to make this information available to the public. This analysis shall be submitted to the Senate and House Appropriations Committees as well as the Senate Rules and Administration Committee and the House Oversight Committee for their consideration and possible action.

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $12,428,000, of which $3,710,000 shall remain available until expended.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, [$16,312,000] *$30,307,000*: *Provided*, That travel expenses, including travel expenses of the Depository Library Council to the Public Printer, shall not exceed $130,000: *Provided further*, That funds, not to exceed $2,000,000, from current year appropriations are authorized for producing and disseminating Congressional Serial Sets and other related Congressional/non-Congressional publications for 1994 and 1995 to depository and other designated libraries.

[ADMINISTRATIVE PROVISION

[SEC. 210. The last paragraph of section 1903 of title 44, United States Code, is amended by striking out the last sentence and inserting in lieu thereof the following: ''The cost of production and distribution for publications distributed to depository libraries—

[''(1) in paper or microfiche formats, whether or not such publications are requisitioned from or through the Government Printing Office, shall be borne by the components of the Government responsible for their issuance; and

[''(2) in other than paper or microfiche formats—

[''(A) if such publications are requisitioned from or through the Government Printing Office, shall be charged to appropriations provided to the Superintendent of Documents for that purpose; and]

[''(B) if such publications are obtained elsewhere than from the Government Printing Office, shall be borne by the components of the Government responsible for their issuance.''.]

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: *Provided*, That not to exceed $2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That the revolving fund shall be available for the hire or purchase of passenger motor vehicles, not to exceed a fleet of twelve: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for level V of the Executive Schedule (5 U.S.C. 5316): *Provided further*, That the revolving fund and the funds provided under the headings ''OFFICE OF SUPERINTENDENT OF DOCUMENTS'' and ''SALARIES AND EXPENSES'' together may not be available for the full-time equivalent employment of more than [3,550 workyears] *3,900 workyears by the end of fiscal year 1996*: *Provided further*, That activities financed through the revolving fund may provide information in any format: *Provided further*, That the revolving fund shall not be used to administer any flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15: *Provided further*, That expenses for attendance at meetings shall not exceed $75,000.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not to exceed $7,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for level IV of the Executive Schedule (5 U.S.C. 5315); hire of one passenger motor vehicle; advance payments in foreign countries in accordance with 31 U.S.C. 3324; benefits comparable to those payable under sections 901(5), 901(6) and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6) and 4081(8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries and travel benefits comparable with those which are now or hereafter may be granted single employees of the Agency for International Development, including single Foreign Service personnel assigned to AID projects, by the Administrator of the Agency for International Development—or his designee—under the authority of section 636(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2396(b)); [$392,864,000] *$374,406,000*: *Provided*, That not more than $400,000 of reimbursements received incident to the operation of the General Accounting Office Building shall be available for use in fiscal year 1996: *Provided further*, That notwithstanding 31 U.S.C. 9105 hereafter amounts reimbursed to the Comptroller General pursuant to that section shall be deposited to the appropriation of the General Accounting Office then available and remain available until expended, and not more than $8,000,000 of such funds shall be available for use in fiscal year 1996 *and, in addition, the following sums are appropriated, to be available for the fiscal year beginning October 1, 1996 and ending September 30, 1997, for the necessary expenses of the General Accounting Office, in accordance with the authority, and on such terms and conditions, as provided for in fiscal year 1996, including $7,000 for official representation and reception expenses, $338,425,400: Provided further, That not more than $100,000 of reimbursements received incident to the operation of the General Accounting Office Building shall be available for use in 1997: Provided further, That notwithstanding 31 U.S.C. 9105 hereafter amounts reimbursed to the Comptroller General pursuant to that section shall be deposited to the appropriation of the General Accounting Office then available and remain available until expended, and not more than $6,000,000 of such funds shall be available in fiscal year 1997*: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP costs as determined by the JFMIP, including the salary of the Executive Director and secretarial support: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of Forum costs as determined by the Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to either the Forum or the JFMIP may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further*, That to the extent that funds are otherwise available for obligation, agreements or contracts for the removal of asbestos, and renovation of the building and building systems (including the heating, ventilation and air conditioning system, electrical system and other major building systems) of the General Accounting Office Building may be made for periods not exceeding five years: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses

attributable to membership of ACIPA in the International Institute of Administrative Sciences.

[ADMINISTRATIVE PROVISION]

ADMINISTRATIVE PROVISIONS

[SEC. 211. (a) Effective June 30, 1996, the functions of the Comptroller General identified in subsection (b) are transferred to the Director of the Office of Management and Budget, contingent upon the additional transfer to the Office of Management and Budget of such personnel, budget authority, records, and property of the General Accounting Office relating to such functions as the Comptroller General and the Director jointly determine to be necessary. The Director may delegate any such function, in whole or in part, to any other agency or agencies if the Director determines that such delegation would be cost-effective or otherwise in the public interest, and may transfer to such agency or agencies any personnel, budget authority, records, and property received by the Director pursuant to the preceding sentence that relate to the delegated functions. Personnel transferred pursuant to this provision shall not be separated or reduced in classification or compensation for one year after any such transfer, except for cause.

[(b) The following provisions of the United States Code contain the functions to be transferred pursuant to subsection (a): sections 5564 and 5583 of title 5; sections 2312, 2575, 2733, 2734, 2771, 4712, and 9712 of title 10; sections 1626 and 4195 of title 22; section 420 of title 24; sections 2414 and 2517 of title 28; sections 1304, 3702, 3726, and 3728 of title 31; sections 714 and 715 of title 32; section 554 of title 37; section 5122 of title 38; and section 256a of title 41.]

SEC. 211. (a) Section 732 of title 31, United States Code, is amended by adding a new subsection (h) as follows:

''(h) Notwithstanding the provisions of subchapter I of chapter 35 of title 5, United States Code, the Comptroller General shall prescribe regulations for the release of officers and employees of the General Accounting Office in a reduction in force which give due effect to tenure of employment, military preference, performance and/or contributions to the agency's goals and objectives, and length of service. The regulations shall, to the extent deemed feasible by the Comptroller General, be designed to minimize disruption to the Office and to assist in promoting the efficiency of the Office.''.

SEC. 212. Section 753 of title 31, United States Code, is amended—

(1) by redesignating subsections (b), (c), and (d) as (c), (d), and (e), respectively.

(2) by inserting after subsection (a) a new subsection (b) as follows:

''(b) The Board has no authority to issue a stay of any reduction in force action.''; and

(3) in the second sentence of subsection (c), as redesignated, by striking ''(c)'' and inserting ''(d)''.

SEC. 213. The General Accounting Office may for such officers and employees as it deems appropriate authorize a payment to officers and employees who voluntarily separate on or before September 30, 1995, whether by retirement or resignation, which payment shall be paid in accordance with the provisions of section 5597(d) of title 5, United States Code.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Oversight and for the Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 303. Whenever any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for herein or whenever the rate of compensation or designation of any position appropriated for herein is different from that specifically established for such position by such Act, the rate of compensation and the designation of the position, or either, appropriated for or provided herein, shall be the permanent law with respect thereto: *Provided*, That the provisions herein for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 306. (a) Upon approval of the Committee on Appropriations of the House of Representatives, and in accordance with conditions determined by the Committee on House Oversight, positions in connection with House parking activities and related funding shall be transferred from the appropriation ''Architect of the Capitol, Capitol buildings and grounds, House office buildings'' to the appropriation ''House of Representatives, salaries, officers and employees, Office of the Sergeant at Arms'': *Provided*, That the position of Superintendent of Garages shall be subject to authorization in annual appropriation Acts.

(b) For purposes of section 8339(m) of title 5, United States Code, the days of unused sick leave to the credit of any such employee as of the date such employee is transferred under subsection (a) shall be included in the total service of such employee in connection with the computation of any annuity under subsections (a) through (e) and (o) of such section.

(c) In the case of days of annual leave to the credit of any such employee as of the date such employee is transferred under subsection (a) the Architect of the Capitol is authorized to make a lump sum payment to each such employee for that annual leave. No such payment shall be considered a payment or compensation within the meaning of any law relating to dual compensation.

SEC. 307. None of the funds made available in this Act may be used for the relocation of the office of any Member of the House of Representatives within the House office buildings.

[SEC. 308. (a)(1) Effective October 1, 1995, the unexpended balances of appropriations specified in paragraph (2) are transferred to the appropriation for general expenses of the Capitol Police, to be used for design and installation of security systems for the Capitol buildings and grounds.

[(2) The unexpended balances referred to in paragraph (1) are—

[(A) the unexpended balance of appropriations for security installations, as referred to in the paragraph under the heading ''CAPITOL BUILDINGS'', under the general headings ''JOINT ITEMS'', ''ARCHITECT OF THE CAPITOL'', and ''CAPITOL BUILDINGS AND GROUNDS'' in title I of the Legislative Branch Appropriations Act, 1995 (108 Stat. 1434), including any unexpended balance from a prior fiscal year and any unexpended balance under such headings in this Act; and]

[(B) the unexpended balance of the appropriation for an improved security plan, as transferred to the Architect of the Capitol by section 102 of the Legislative Branch Appropriations Act, 1989 (102 Stat. 2165).

[(b) Effective October 1, 1995, the responsibility for design and installation of security systems for the Capitol buildings and grounds is transferred from the Architect of the Capitol to the Capitol Police Board. Such design and installation shall be carried out under the direction of the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate, and without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5). On and after October 1, 1995, any alteration to a structural, mechanical, or architectural feature of the Capitol buildings and grounds that is required for a security system under the preceding sentence may be carried out only with the approval of the Architect of the Capitol.

[(c)(1) Effective October 1, 1995, all positions specified in paragraph (2) and each individual holding any such position (on a permanent basis) immediately before that date, as identified by the Architect of the Capitol, shall be transferred to the Capitol Police.]

[(2) The positions referred to in paragraph (1) are those positions which, immediately before October 1, 1995, are—

[(A) under the Architect of the Capitol;

[(B) within the Electronics Engineering Division of the Office of the Architect of the Capitol; and

[(C) related to the design or installation of security systems for the Capitol buildings and grounds.

[(3) All annual leave and sick leave standing to the credit of an individual immediately before such individual is transferred under paragraph (1) shall be credited to such individual, without adjustment, in the new position of the individual.]

SEC. [309] *308*. (a) Section 230(a) of the Congressional Accountability Act of 1995 (2 U.S.C. 1371(a)) is amended by striking out ''Administrative Conference of the United States'' and inserting in lieu thereof ''Board''.

(b) Section 230(d)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1371(d)(1)) is amended—

(1) by striking out ''Administrative Conference of the United States'' and inserting in lieu thereof ''Board''; and

(2) by striking out ''and shall submit the study and recommendations to the Board''.

SEC. [310] *309*. Section 122(d) of the Military Construction Appropriations Act, 1994 (Public Law 103–110; 2 U.S.C. 141 note) is amended by adding at the end the following new sentence: ''The Provost Marshal (U.S. Army Military Police), Fort George G. Meade, is authorized to police the real property, including improvements thereon, transferred under subsection (a), and to make arrests on the said real property and within any improvements situated thereon for any violation of any law of the United States, the District of Columbia, or any State, or of any regulation promulgated pursuant thereto, and such authority shall be construed as authorizing the Provost Marshal, with the consent or upon the request of the Librarian

of Congress or his assistants, to enter any improvements situated on the said real property that are under the jurisdiction of the Library of Congress to make arrests or to patrol such structures.''.

[SEC. 311. (a)(1) Effective as prescribed by paragraph (2), the administrative jurisdiction over the property described in subsection (b), known as the Botanic Garden, is transferred, without reimbursement, to the Secretary of Agriculture. After such transfer, the Botanic Garden shall continue as a scientific display garden to inform and educate visitors and the public as to the value of plants to the well-being of humankind and the natural environment.

[(2) The transfer referred to in paragraph (1) shall take effect—

[(A) on October 1, 1996, with respect to the property described in subsection (b)(1)(A); and

[(B) on the later of October 31, 1996, or the date of the conveyance described in subsection (b)(1)(B), with respect to the property described in that subsection.

[(b)(1) The property referred to in subsection (a)(1) is the property consisting of—

[(A) Square 576 in the District of Columbia (bounded by Maryland Avenue on the north, First Street on the east, Independence Avenue on the south, and Third Street on the west) and Square 578 in the District of Columbia (bounded by Independence Avenue on the north, First Street on the east, and Washington Avenue on the southwest), other than the property included in the Capitol Grounds by paragraph (20) of the first section of Public Law 96–432 (40 U.S.C. 193a note);

[(B) the site known as the Botanic Garden Nursery at D.C. Village, consisting of 25 acres located at 4701 Shepherd Parkway, S.W., Washington, D.C. (formerly part of a tract of land known as Parcel 253/26), which site is to be conveyed by the District of Columbia to the Architect of the Capitol pursuant to Public Law 98–340 (40 U.S.C. 215 note);

[(C) all buildings, structures, and other improvements located on the property described in subparagraphs (A) and (B), respectively; and

[(D) all equipment and other personal property that, immediately before the transfer under this section, is located on the property described in subparagraphs (A) and (B), respectively, and is under the control of the Architect of the Capitol, acting under the direction of the Joint Committee on the Library.

[(c) Not later than the date of the conveyance to the Architect of the Capitol of the property described in subsection (b)(1)(B), the Architect of the Capitol and the Secretary of Agriculture shall enter into an agreement to permit the retention by the Architect of the Capitol of a portion of that property for legislative branch storage and support facilities and expansion of such facilities, and facilities to be developed for use by the Capitol Police.

[(d)(1) Effective October 1, 1996, all employee positions specified in paragraph (2) and each individual holding any such position (on a permanent basis) immediately before the transfer, as identified by the Architect of the Capitol, shall be transferred to the Department of Agriculture.

[(2) The employee positions referred to in paragraph (1) are those positions which, immediately before October 1, 1996, are under the Architect of the Capitol and are primarily related to the functions of the Botanic Garden.

[(3) All annual leave and sick leave standing to the credit of an individual immediately before such individual is transferred under paragraph (1) shall be credited to such individual, without adjustment, in the new position of the individual.

[(e)(1) Notwithstanding the transfer under this section, and without regard to the laws specified in paragraph (2), the Architect of the Capitol shall retain full authority for completing, under plans approved by the Architect, the National Garden authorized by section 307E of the Legislative Branch Appropriations Act, 1989 (40 U.S.C. 216c), including the renovation of the Conservatory of the Botanic Garden under section 209(b) of Public Law 102–229 (40 U.S.C. 216c note). In carrying out the preceding sentence, the Architect—

[(A) shall have full responsibility for design, construction management and supervision, and acceptance of gifts;

[(B) shall inform the Secretary of Agriculture from time to time of the progress of the work involved; and

[(C) shall notify the Secretary of Agriculture when, as determined by the Architect, the National Garden, including the renovation of the Conservatory of the Botanic Garden, is complete.

[(2) The laws referred to in paragraph (1) are section 2 of the Act entitled ''An Act providing for a comprehensive development of the park and playground system of the National Capital.'', approved June 6, 1924 (40 U.S.C. 71a), and the first section of the Act entitled ''An Act establishing a Commission of Fine Arts.'', approved May 17, 1910 (40 U.S.C. 104).

[(f)(1) Except as provided in paragraph (2), effective October 1, 1996, the unexpended balances of appropriations for the Botanic Garden are transferred to the Secretary of Agriculture.

[(2) Any unexpended balances of appropriations for completion of the National Garden, including the Conservatory of the Botanic Garden, under subsection (e) shall remain under the Architect of the Capitol.

[(g) After the transfer under this section—

[(1) under such terms and conditions as the Secretary of Agriculture may impose, including a requirement for payment of fees for the benefit of the Botanic Garden, the National Garden and the Conservatory of the Botanic Garden shall be available for receptions sponsored by Members of Congress; and

[(2) the Secretary of Agriculture, through the Botanic Garden, shall continue, with reimbursement, to propagate and provide such plant materials as the Architect may require for the United States Capitol Grounds, and such indoor plant materials and cut flowers as are authorized by policies of the House of Representatives and the Senate.]

SEC. [312] *310*. Any amount appropriated in this Act for ''HOUSE OF REPRESENTATIVES—Salaries and Expenses—Members' Representational Allowances'' shall be available only for fiscal year 1996. Any amount remaining after all payments are made under such allowances for such fiscal year shall be deposited in the Treasury, to be used for deficit reduction.

SEC. 311. Section 316 of Public Law 101–302 is amended in the first sentence of subsection (a) by striking ''1995'' and inserting ''1996''.

This Act may be cited as the ''Legislative Branch Appropriations Act, 1996''.

Mr. DOLE. Mr. President, I now ask unanimous consent that the committee amendments be considered, en bloc, agreed to, en bloc, and considered original text for the purpose of further amendment, and that no points of order be waived.

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

So the committee amendments were agreed to.

Mr. DOLE. Mr. President, let me indicate that we are happy to have the managers here this morning on the first appropriations bill. We hope to dispose of six appropriations bills before the August recess. This is certainly an indication that we are on target. We had these bills scheduled for tomorrow. We will do them today. Maybe we can do something else tomorrow. I wish the managers success, and I hope we can do it quickly.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida [Mr. MACK].

Mr. MACK. Mr. President, I am pleased to present the fiscal year 1996 legislative branch appropriations bill, H.R. 1854, to the Senate. Simply put, with this bill the Congress leads the way in fulfilling our commitment to reduce the size, scope, and cost of the Federal Government.

But, of equal importance to keeping our promise to the American people in reducing the size and cost of Congress is making these reductions in a thoughtful and responsible manner. The bill we present today does not compromise the legislative and oversight responsibilities of Congress.

Mr. President, I would like to take a moment to describe the approach the committee took in arriving at these funding levels. This past January, I sent a letter to each of the Senate officers and legislative branch support agencies asking them to undergo a serious programmatic review of each of their activities and services they provide to Congress.

In doing so, they were asked to take a long and hard look at their core missions and statutory responsibilities. They were asked to explore ways of using technologies to make their operations more efficient and productive. They were asked to explore opportunities for consolidation and restructuring of their functions and services. Following their top to bottom review, the results were incorporated into new budget justifications which were presented in hearings before the subcommittee.

I am deeply appreciative to each of the Senate officers and agency heads. I want to thank in particular the former Secretary of the Senate, Ms. Sheila Burke and her successor, Mr. Kelly Johnston, and the Senate Sergeant at Arms, Howard O. Greene, for their cooperation. These offices met, and even exceeded their goals of reducing their budgets by 12.5 percent. Without their commitment and the dedication of their respective staffs the committee would not have been able to produce the legislation that the Senate considers today.

Mr. President, as any member of the committee will tell you, these decisions were not easy. But, we have, in great measure, accomplished what we set out to do, respond to the clear and unmistakable message sent by the American people last November—change the way we do business here in Washington, reduce spending, and bring runaway spending in control and balance the Federal budget.

I would like to summarize the highlights of the bill:

The total funding for the legislative branch appropriation is $2,190,380,000, a reduction of just over $200 million or 8.45 percent below the fiscal year 1995 level.

For the funding of the operations of the Senate the committee's recommendation is $426.9 million a $33.7 million reduction. In addition, the committee rescinds $63.5 million of unobligated funds from previous years.

Within the Senate accounts the funding for committees reflects a 15-percent reduction. As I have already mentioned, the funding for the offices of the Secretary of the Senate and Sergeant at Arms are reduced by 12.5 percent.

Again, I want to reiterate or make the point that these reductions are from this year's level. This is not some reduction from some arbitrary, inflated baseline. These are reductions from this year's expenditures.

Mr. President, in last years bill the Senate passed into law a ban on unsolicited mass mailing which has resulted in tens of millions of dollars in savings to the taxpayer. Again, this year the committee freezes official mail cost at $11 million.

The statutory allowances for Senator's offices are not reduced. The recommended funding for Members' office salaries and expenses should be sufficient to cover fiscal year 1996 expenditures.

Mr. President, S. 2, the Congressional Accountability Act, which was passed into law early this year, mandates that Congress comply with the very same employment and labor laws that private businesses must comply with. And, just like businesses all around the country, there is a cost to compliance. This bill includes $2.5 million appropriation for the establishment of the new Office of Compliance. This is a new joint item with the House. Each Member should be aware that the costs associated with the Congressional Accountability Act will require future increases in expenditures. The committee has included report language that directs the offices of the Senate to make regular reports to the committee regarding issues of compliance and associated costs.

As to the major support agencies of Congress: the Library of Congress has level funding compared to fiscal year 1995, with the exception of $3 million increase for the National Digital Library Program. I want to commend the Librarian of Congress, Dr. James Billington, for his efforts in strengthening the Library and the services it provides to the Nation. The digital library effort is one of several forward thinking programs initiated by the Library of Congress which will insure the Library's position as one of our leading institutions.

We have included a $2.6 million increase for the Congressional Budget Office so that it may perform studies mandated by the Unfunded Mandate Reform Act.

The GAO is reduced 15 percent from fiscal year 1995 levels and we have included an advance appropriation for fiscal year 1997 which will result in a two year reduction of 25 percent.

The Office of Technology Assessment is eliminated in the bill. The committee has included termination costs in fiscal year 1996 which total $3.6 million.

Mr. President, each Member of the Senate should know that this bill complies with the specifics of the Senate budget resolution which provides a dramatic and necessary outline for balancing the Federal budget by the year 2002. The budget resolution specifies the reductions to the General Accounting Office and the elimination of the Office of Technology Assessment.

In regards to the two year 25 percent reduction in the funding for the General Accounting Office, I want to thank Senator ROTH, chairman of the Government Affairs Committee, and his staff for their cooperation in identifying and recommending needed changes at GAO. With their assistance, I am confident that the GAO will be able to perform its core statutory mission.

Also, I want to thank the Comptroller General, Charles Bowsher, for his help. He will tell you that the funding levels will be difficult and will force structural changes, but he is committed to making the General Accounting Office the model for the rest of the Federal Government in productivity and efficiency as we continue to restructure and downsize the Federal Government.

Mr. President, I expect an amendment to be offered that restores funding for the Office of Technology Assessment. I know that there are Members who feel strongly about this issue and we will debate the merits should it be offered. I must point out to the Members of the Senate that the Senate budget resolution specifies the elimination of OTA, and quite frankly, the services and information that OTA provides can be obtained from a great variety of sources that do not require a $21 million dollars expenditure.

Mr. President, while this bill accomplishes our stated goal of reducing Congressional spending by $200 million, much more needs to be done in the coming year. While the office of the Architect of the Capitol is reduced by 10 percent in title I of this bill, the Congress will undertake a much more thorough review of its structure and organization by way of a Joint House-Senate Leadership Taskforce. The taskforce will, with the assistance of the Architect of the Capitol, identify services and operations that could be more cost efficiently performed by outside contractors.

The committee report also directs the Government Printing Office to initiate a study to analyze the structure and services of the Superintendent of Documents and the Federal Depository Library Program; the program which assures the American people ready and dependable access to government information.

While the committee would have preferred to make more substantial changes to the structure and funding of the Architect of the Capitol and the Government Printing Office, we clearly need more information before making these decision. Finally, I want to thank our ranking member, Senator MURRAY, as well as the other members of the subcommittee, for their hard work and cooperation in crafting this measure. Additionally, this year's bill builds upon the years of hard work and dedication of Senator REID, our former chairman. Senator REID extended a great deal of time and cooperation to me as ranking member, and I thank him for that.

Mr. President, I would yield the floor to our ranking member and floor manager, Senator MURRAY, for any statement she would wish to make.

Mrs. MURRAY. Thank you, Mr. President.

Mr. President, I rise in support of the H.R. 1854, the fiscal year 1996 Legislative branch appropriation bill. I note that this is not the first year in which the committee has made the effort to constrain the spending of the legislative branch. As Senator MACK stated last year in his opening floor remarks on the fiscal year 1995 legislative branch appropriation bill, ''This is the fourth year in a row now that we have held funding at or below the previous year's levels in real dollars.'' Mr. President, that means that this is the fifth year in a row that the Senate Appropriations Committee has reported a bill in which we have held funding at or below the previous year's levels—in fact, this year the committee-reported bill is over $200 million below the level enacted for fiscal year 1995.

The chairman has provided in his remarks a detailed explanation of all of the recommendations contained in the committee-reported bill. Without repeating those details, I would simply direct all members to a summary table on pages 65 and 66 of the committee report for the two titles of the bill. For title I, congressional operations, the committee recommends a total of a little over $1.5 billion. That is a reduction of $126 million below the fiscal year 1995 appropriated level and $275 million below the total budget estimates for fiscal year 1996 for congressional operations. Title II of the bill, as shown on page 66 of the report, provides funding for other agencies for which the committee recommends a total of $686 million. In total, as is depicted in the summary table, the bill as reported by the full committee provides $2.1 billion, a reduction of just over $200 million below the fiscal year 1995 enacted bill and a reduction of $427 million below the budget estimates for fiscal year 1996.

There are a number of differences between the House-passed bill and the committee's recommendations, several

of which I would now like to address. First, for the Architect of the Capitol, the House bill did not fund the operations of the Flag Office. The Senate Appropriations Committee chose, instead, to continue that office but with the cost of this operation fully covered by the prices charged to the public for the flags themselves.

For certain security functions of the Architect of the Capitol, the House bill recommended the transfer of staff from the Architect of the Capitol to the Capitol Police. The Senate committee-reported bill disagrees with that recommendation and has left that security function within the Office of the Architect.

The committee-reported bill does not agree with the House recommendation that the Botanic Garden be transferred to the Department of Agriculture. In addition, the House provided $7 million for the renovation of the Conservatory and capped the total project at $21 million. The Senate committee-reported bill has deleted all funding for that purpose.

Finally, Mr. President, for the Office of Technology Assessment (OTA), the House-passed bill included a floor amendment which provided for the continuation of the functions of the OTA within the Congressional Research Service at a level of $15 million. H.R. 1854, as reported by the Senate Appropriations Committee, includes a total of just over $6 million for the OTA. This amount will allow for the orderly completion and distribution of approximately 30 reports which the OTA is currently undertaking and a maximum of 17 employees is provided for closing the Office. In addition, from within the amount appropriated for fiscal year 1996, $150,000 is recommended to remain available until September 30, 1997, to provide for unemployment claims that may arise.

I would note, however, that during the committee markup of the bill, an amendment offered by the distinguished Senator from South Carolina, Senator HOLLINGS, which I supported, would have provided $15 million for the OTA—the cost of which was offset by a 1.08-percent reduction of the salaries and expenses of certain of the congressional support agencies. That amendment was defeated by a rollcall vote of 11–13.

I believe that the OTA provides a valuable service for the Congress on a bipartisan basis and I will have more to say during this debate about the OTA in support of an amendment which I anticipate may be offered to overturn the committee's recommendation.

In conclusion, I again compliment the very able chairman of the subcommittee, Senator MACK. I have learned a lot during my first year as ranking member of this subcommittee, and I am pleased that we have been able to do our share in carefully examining the expenditures of the legislative branch to ensure that they are cost-effective and, where possible, we have recommended reductions in keeping with our overall efforts to reduce Federal spending.

Mr. BYRD. Mr. President, are there committee amendments?

The PRESIDING OFFICER. The Chair advises the Senator from West Virginia that they have been adopted en bloc.

Mr. BYRD. The bill, as amended, is open to amendment?

The PRESIDING OFFICER. That is correct.

Mr. BYRD. Mr. President, I shall offer an amendment.

Mr. President on previous occasions, I have come to the Senate floor to speak on the matter of honoraria and outside income earned by the media. While no overall disclosure policy exists within the communications industry, there does seem to be more scrutiny being paid to the practice of the press in accepting speaking fees.

It is an issue of increasing concern to me, and one that I believe deserves closer attention. I suspect that most journalists would agree that they have a unique and often unequaled influence on the American public. There is no match—none—no match for the leverage the media have over the public dissemination of information. In order to stay attuned with current events, we all must rely on the press' interpretation of each day's occurrences.

Some members of the press take the position that, as private citizens, they have no obligation—none—to disclose information to the public regarding the acceptance of outside income. Although I can appreciate that line of thinking, it represents a defensive position that has little basis in reality. From my point of view, the members of the media need to adopt a position regarding such income, a position that reflects some common sense. Of course, in a perfect world, all of us who affect public policy, either through the elective process or through the interpretation of that process, want to be thought of as being above reproach. We all want our work to be seen as benefiting the common good and, as a result, we do not expect our motives to be challenged. Unfortunately, human nature has to be factored into the equation. There is no doubt that the American people have a negative opinion of elected officials and a negative opinion of the press. Some of that attitude is well founded. Let us be honest, there are members of both of these professions who have behaved unethically in the past and thus have tainted all of us. There is no avoiding this fact, and to pretend otherwise is not only unrealistic but it is also disingenuous.

In response to the public's criticism, Members of Congress adopted disclosure rules that prohibit their acceptance of honoraria. I led the fight. This action was seen by some politicians at the time as an overreaction to criticism and an unnecessary effort, but the prevailing attitude was to let the sunshine in and take away the appearance of unethical behavior. In point of fact, the Congress has gone even further, as I say, by adopting legislation that I sponsored to increase the salaries of Members of Congress, but also to prohibit the acceptance of honoraria, prohibit it entirely. That was my amendment.

Many members of the press, however, have adopted the position that, as private citizens, they should not be subject to this type of scrutiny. Though they are not elected officials, nevertheless, in reality they do retain a great deal of influence, massive influence within the political process. It is singularly the media's decision as to which topics of information are noteworthy and, as such, which topics should be reported on. As purveyors of the news, the press have enormous power, enormous power to persuade—far greater, in fact, than does any single politician, or group of politicians.

Edmund Burke recognized this when he referred to the fourth estate as having more power than any of the other estates.

It is this very power, unchecked and freewheeling, that journalists can no longer ignore and brush aside. There is as much need for the press to be made accountable to the public as there is for elected officials to be made accountable to the public. To resist public disclosure—that is all I am asking, just disclose outside earned income—to resist public disclosure as a matter of principle is unwise. Principle, however, is on the other side of the issue.

We all know that nothing gives a greater feeling of credibility than the willingness to show that there is nothing to hide. Lay it out. I have urged the members of the press to recognize their extraordinary position in our system of Government, and to face the inherent responsibility that comes with that position. I believe it is time for the communications industry as a whole to take the bull by the horns and develop its own standards. That is what I would like to see happen; the communications industry should develop its own standards with respect to disclosure of outside earned income. Journalists should forgo the narrow defense of their individual freedoms and face up to the broader obligation of trust which they bear in our political process.

I am offering an amendment, Mr. President, and it is a sense-of-the-Senate amendment—today—regarding the disclosure of outside income earned by accredited members of the Senate press corps. I am not talking about salaries. This does not infringe on anybody's constitutional rights. It does not infringe upon the freedom of the press, as set forth in the American Bill of Rights. There is nothing in that Bill of Rights that says you should not have an accounting to the public of some things.

This amendment is intended to provide a ''truth in reporting requirement'' for the media that cover this institution, this Senate. I repeat that I have grown increasingly concerned with the communication industry's inability or unwillingness to adopt ethical standards that properly reflect their role in our system of Government. In this day of instant access, the media's leverage over the dissemination of information is unequaled. Their power of persuasion goes well beyond the newspaper headlines or the nightly news report or the radio talk show. The members of the media, as the purveyors of our daily news, singularly decide which items are newsworthy and, as such, which items deserve the attention of the public.

Today's press, as I have said already, have enormous power, enormous power. There is nothing like it anywhere in the world. And it is time that they acknowledge the responsibility that comes with that power. Coupled with that fact is the American people's increasing cynicism of Washington. At a time when the public's distrust of Members of Congress and the public's distrust of journalists is at an all-time high, I believe it is important to take the necessary steps to instill confidence in the process of Government. Over the years, the press have been exceedingly critical—and rightly so—of particular elected officials who have abused their positions.

In 1991, in an effort to address the appearance of impropriety, the Congress passed legislation installing disclosure requirements that prohibit any Member from accepting compensation from outside groups. That was a positive step. Though there was resistance to this prohibition, the prevailing attitude was, as I said earlier, to let a little sunshine work its way into the Chamber and to take away the appearance of unethical behavior.

Recently, there have been reports of journalists receiving thousands of dollars in speaking fees, thousands of dollars in speaking fees from the very groups that they are covering. Despite this apparent conflict, some members—not all, but some members—of the press take the position that, as a private citizen they have no obligation—no obligation—to disclose information regarding their acceptance of outside earned income. They say, ''That is nobody else's business. I am a private citizen. The public has no business in knowing what I take in speaking fees.''

The impetus for my amendment is neither an attempt to hamper the media's ability to do their job nor is it an effort to infringe in any way upon their first amendment rights. Instead, the goal of the amendment is simply to apply a level of credibility to the press that reflects the importance of their profession.

It is my hope that there can be consensus in the Senate in requiring the media to disclose their earned outside income. And I intend to offer a separate Senate resolution that would, hopefully, lead to the establishment of disclosure rules starting with the 104th Congress and set into place rules for a yearly filing by reporters who seek credentialing with the Senate Press Gallery.

I am not attempting to have any impact upon the House and its rules or regulations. But I would anticipate that the Rules Committee in the Senate would then hold hearings to ensure a complete airing of all views on the subject. Come one, come all. Let us hear what you have to say. Let us work together.

This is not an attempt to sandbag the press or to prevent their input or to influence their input. The point of this amendment is to show that it is time for the media to be accountable. I would prefer that they would voluntarily take the steps to make themselves accountable. I hope they will do that. But right now—today—their sphere of influence is unfettered and unequal.

For the press to simply resist public disclosure on a matter of principle is unwise, and it is unacceptable. I believe that the entire industry must realize its full responsibility—its full responsibility—to its viewers, to its readers, and to its listeners.

In light of that, this amendment is a beginning in the effort to address at the very least the perception of a media double standard. The media were right in saying that we elected officials ought to be accountable to the public, that we ought to disclose how much this group pays us for an appearance, or how much this group pays us for having a cup of coffee downtown at some club. We ought to disclose how much this or that group pays us for a 10-minute speech or for a 30-minute speech. Lay it out.

My amendment went further. At first we disclose it. And then my amendment said we will eliminate entirely the acceptance of honoraria for ourselves and on the part of our staffs. I am not saying the same with respect to the press. I am not saying they should eliminate it. I am simply saying they should disclose it. Let the sunshine in. Let their colleagues, let their coworkers know. Let everybody know. Let the public know.

It is time for journalists to forgo, as I say, the narrow defense of their individual freedoms to face up to the broader obligations of trust in our political process.

Mr. President, this is what the amendment says:

It is the sense of the Senate that the Senate should consider a resolution in the 104th Congress, 1st Session, that requires an accredited member of any of the Senate press galleries to file an annual public report with the Secretary of the Senate disclosing the identity of the primary employer of the member and of any additional sources of earned outside income received by the member, together with the amounts received from each such source.

(b) For purposes of this section, the term ''Senate press galleries'' means—

(1) the Senate Press Gallery;

(2) the Senate Radio and Television Correspondents Gallery;

(3) the Senate Periodical Press Gallery; and

(4) the Senate Press Photographers Gallery.

AMENDMENT NO. 1802

(Purpose: To express the sense of the Senate that the Senate should consider a resolution requiring each accredited member of the Senate Press Gallery to file an annual public report with the Secretary of the Senate disclosing the member's primary employer and any additional sources and amounts of earned outside income)

Mr. BYRD. Mr. President, I send my 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 West Virginia [Mr. BYRD] proposes an amendment numbered 1802.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . (a) It is the sense of the Senate that the Senate should consider a resolution in the 104th Congress, 1st Session, that requires an accredited member of any of the Senate press galleries to file an annual public report with the Secretary of the Senate disclosing the identity of the primary employer of the member and of any additional sources of earned outside income received by the member, together with the amounts received from each such source.

(b) For purposes of this section, the term ''Senate press galleries'' means—

(1) the Senate Press Gallery;

(2) the Senate Radio and Television Correspondents Gallery;

(3) the Senate Periodical Press Gallery; and

(4) the Senate Press Photographers Gallery.

Mr. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD certain published articles pertinent to my remarks.

The first is entitled ''Fee Speech,'' by Ken Auletta, from the September 12, 1994, New Yorker; the second, ''Take the Money and Talk,'' by Alicia C. Shepard, which appeared in American Journalism Review; and ''Where the Sun Doesn't Shine,'' by Jamie Stiehm, which appeared in the May/June 1995 issue of the Columbia Journalism Review.

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

[From the New Yorker magazine, Sept. 12, 1994]

FEE SPEECH

(By Ken Auletta)

The initial hint of anger from twenty-five or so members of the House Democratic leadership came on an hour-and-a-quarter-long bus ride from Washington to Airlie House, in rural Virginia, one morning last January. They had been asked by the Majority Leader, Richard A. Gephardt, of Missouri, to attend

a two-day retreat for the Democratic Message Group, and as the bus rolled southwest the convivial smiles faded. The members of the group began to complain that their message was getting strangled, and they blamed the media. By that afternoon, when the Democrats gathered for the first of five panels composed of both partisans and what were advertised as ''guest analysts, not partisan advisers,'' the complaints were growing louder. The most prominent Democrats in the House—Gephardt; the Majority Whip, David E. Bonior, of Michigan; the current Appropriations Committee chairman, David R. Obey, of Wisconsin; the Democratic Congressional Campaign chairman, Vic Fazio, of California; Rosa L. DeLauro, of Connecticut, who is a friend of President Clinton's; and about twenty others—expressed a common grievance: public figures are victims of a powerful and cynical press corps. A few complained of what they saw as the ethical obtuseness of Sam Donaldson, of ABC, angrily noting that, just four days earlier, ''Prime Time Live,'' the program that Donaldson co-anchors, had attacked the Independent Insurance Agents of America for treating congressional staff people to a Key West junket. Yet several months earlier the same insurance group had paid Donaldson a thirty-thousand-dollar lecture fee.

By four-thirty, when the third panel, ostensibly devoted to the changing role of the media, was set to begin, the Democrats could no longer contain their rage, lumping the press into a single, stereotypical category—you—the same way they complained that the press lumped together all members of Congress.

They kept returning to Donaldson's lecture fees and his public defense that it was ethically acceptable for him to receive fees because he was a private citizen, not an elected official. The Airlie House meeting was off the record, but in a later interview Representative Obey recalled having said of journalists. ''What I find most offensive lately is that we get the sanctimonious-Sam defense: 'We're different because we don't write the laws.' Well, they have a hell of a lot more power than I do to affect the laws written.''

Representative Robert G. Torricelli, of New Jersey, recalled have said, ''What startles many people is to hear television commentators make paid speeches to interest groups and then see them on television commenting on those issues. It's kind of a direct conflict of interest. If it happened in government, it would not be permitted.'' Torricelli, who has been criticized for realizing a sixty-nine-thousand-dollar profit on a New Jersey savings-and-loan after its chairman advised him to make a timely investment in its stock, says he doesn't understand why journalists don't receive the same scrutiny that people in Congress do. Torricelli brought up an idea that had been discussed at the retreat and that he wanted to explore: federal regulations requiring members of the press to disclose outside income—and most particularly television journalists whose stations are licensed by the government. He said that he would like to see congressional hearings on the matter, and added. ''You'd get the votes if you did the hearings. I predict that in the next couple of Congresses you'll get the hearings.''

Gephardt is dubious about the legality of compelling press disclosure of outside income, but one thing he is sure about is the anger against the media which is rising within Congress. ''Most of us work for more than money,'' he told me. ''We work for self-image. And Congress's self-image has suffered, because, members think, journalistic ethics and standards are not as good as they used to be.''

The press panel went on for nearly three hours, long past the designated cocktail hour of six. The congressmen directed their anger at both Brian Lamb, the C–SPAN chairman, and me—we were the two press representatives on the panel—and cited a number of instances of what they considered reportorial abuse. The question that recurred most often was this: Why won't journalists disclose the income they receive from those with special interests?

It is a fair question to ask journalists, who often act as judges of others' character. Over the summer, I asked it of more than fifty prominent media people, or perhaps a fifth of what can fairly be called the media elite—those journalists who, largely on account of television appearances, have a kind of fame similar to that of actors. Not surprisingly, most responded to the question at least as defensively as any politician would. Some of them had raised an eyebrow when President Clinton said he couldn't recall ten- or fifteen-year-old details about Whitewater. Yet many of those I spoke to could not remember where they had given a speech just months ago. And many of them, while they were unequivocal in their commentary on public figures and public issues, seemed eager to dwell on the complexities and nuances of their own outside speaking.

Sam Donaldson, whose annual earnings at ABC are about two million dollars, was forthcoming about his paid speeches: in June, he said that he had given three paid speeches so far this year and had two more scheduled. He would not confirm a report that he gets a lecture fee of as much as thirty thousand dollars. On being asked to identify the three groups he had spoken to, Donaldson—who on the March 27th edition of the Sunday-morning show ''This Week with David Brinkley'' had ridiculed President Clinton for not remembering that he had once lent twenty thousand dollars to his mother—said he couldn't remember. Then he took a minute to call up the information from his computer. He said that he had spoken at an I.B.M. convention in Palm Springs, to a group of public-information officers, and to the National Association of Retail Druggists. ''If I hadn't consulted my computerized date book, I couldn't have told you that I spoke to the National Association of Retail Druggists,'' he said. ''I don't remember these things.''

What would Donaldson say to members of Congress who suggest that, like them, he is not strictly a private individual and should make full disclosure of his income from groups that seek to influence legislation?

''First, I don't make laws that govern an industry,'' he said. ''Second, people hire me because they think of me as a celebrity; they believe their members or the people in the audience will be impressed.'' He went on, ''Can you say the same thing about a member of Congress who doesn't even speak—who is hired, in a sense, to go down and play tennis? What is the motive of the group that pays for that?'' He paused and then answered his own question: ''Their motive, whether they are subtle about it or not, is to make friends with you because they hope that you will be a friend of theirs when it comes time to decide about millions of dollars. Their motive in inviting me is not to make friends with me.''

Would he concede that there might be at least an appearance of conflict when he takes money from groups with a stake in, say, health issues?

Donaldson said, ''At some point, the issue is: What is the evidence? I believe it's not the appearance of impropriety that's the problem. It's impropriety.'' Still, Donaldson did concede that he was rethinking his position; and he was aware that his bosses at ABC News were reconsidering their relaxed policy.

Indeed, one of Donaldson's bosses—Paul Friedman, the executive vice-president for news—told me he agreed with the notion that on-air correspondents are not private citizens. ''People like Sam have influence that far exceeds that of individual congressmen,'' Friedman said, echoing Representative Obey's point. ''We always worry that lobbyists get special 'access' to members of government. We should also worry that the public might get the idea that special-interest groups are paying for special 'access' to correspondents who talk to millions of Americans.''

Unlike Donaldson, who does not duck questions, some commentators chose to say nothing about their lecturing. The syndicated columnist George Will, who appears weekly as a commentator on the Brinkley show, said through an assistant, ''We are just in the middle of book production here. Mr. Will is not talking much to anyone.'' Will is paid twelve thousand five hundred dollars a speech, Alicia C. Shepard reports in a superb article in the May issue of the American Journalism Review.

ABC's Cokie Roberts, who, according to an ABC official, earns between five and six hundred thousand dollars annually as a Washington correspondent and is a regular commentator on the Brinkley show in addition to her duties on National Public Radio, also seems to have a third job, as a paid speaker. Among ABC correspondents who regularly moonlight as speakers, Roberts ranks No. 1. A person who is in a position to know estimates that she earned more than three hundred thousand dollars for speaking appearances in 1993. Last winter, a couple of weeks after the Donaldson-''Prime Time'' incident, she asked the Group Health Association of America, before whom she was to speak in mid-February, to donate her reported twenty-thousand-dollar fee to charity. Roberts did not return three phone calls—which suggests that she expects an openness from the Clinton Administration that she rejects for herself. On that March 27th Brinkley show, she described the Administration's behavior concerning Whitewater this way: ''All of this now starts to look like they are covering something up.''

Brit Hume, the senior ABC White House correspondent, earns about what Roberts does, and is said to trail only Roberts and Donaldson at ABC in lecture earnings. This could not be confirmed by Hume, for he did not return calls.

At CNN, the principal anchor, Bernard Shaw, also declined to be interviewed, and so did three of the loudest critics of Congress and the Clinton Administration; the conservative commentator John McLaughlin, who now takes his ''McLaughlin Group'' on the road to do a rump version of the show live, often before business groups; and the alternating conservative co-hosts of ''Crossfire,'' Pat Buchanan and John Sununu.

David Brinkley did respond to questions, but not about his speaking income. Like Donaldson and others, he rejected the notion that he was a public figure. Asked what he would say to the question posed by members of Congress at the retreat, Brinkley replied, ''It's a specious argument. We are private citizens. We work in the private marketplace. They do not.''

And if a member of Congress asked about his speaking fee, which is reported to be eighteen thousand dollars?

''I would tell him it's none of his business,'' Brinkley said. ''I don't feel that I have the right to ask him everything he does in his private life.''

The syndicated columnist and television regular Robert Novak, who speaks more frequently than Brinkley, also considers himself a private citizen when it comes to the matter of income disclosure. ''I'm not going to tell you how many speeches I do and what my fee is,'' he said politely. Novak, who has been writing a syndicated column for thirty-one years, is highly visible each weekend on CNN as the co-host of the ''Evans & Novak'' interview program and as a regular on ''The Capital Gang.''

What would Novak say to a member of Congress who maintained that he was a quasi-public figure and should be willing to disclose his income from speeches?

''I'm a totally private person,'' he said. ''Anyone who doesn't like me doesn't have to read me. These people, in exchange for power—I have none—they have sacrificed privacy.''

In fact, Novak does seem to view his privacy as less than total; he won't accept fees from partisan political groups, and, as a frequent critic of the Israeli government, he will not take fees from Arab-American groups, for fear of creating an appearance of a conflict of interest. Unlike most private citizens, Novak, and most other journalists, will not sign petitions, or donate money to political candidates, or join protest marches.

Colleagues have criticized Novak and Rowland Evans for organizing twice-a-year forums—as they have since 1971—to which they invite between seventy five and a hundred and twenty-five subscribers to their newsletter, many of whom are business and financial analysts. Those attending pay hundreds of dollars—Novak refuses to say how much—for the privilege of listening to public officials speak and answer questions off the record. ''You talk about conflicts of interest!'' exclaimed Jack Nelson, the Los Angeles Times Washington bureau chief. ''It is wrong to have government officials come to speak to businesses and you make money off of it.''

Mark Shields, who writes a syndicated column and is the moderator of ''The Capital Gang'' and a regular commentator on ''The MacNeil/Lehrer NewsHour,'' is a busy paid lecturer. Asked how much he earned from speeches last year, he said, ''I haven't even totalled it up.'' Shields said he probably gives one paid speech a week, adding, ''I don't want, for personal reasons, to get into specifics.''

Michael Kinsley, who is the liberal co-host of ''Crossfire,'' an essayist for The New Republic and Time, and a contributor to The New Yorker, is also reluctant to be specific. ''I'm in the worst of all possible positions,'' he said. ''I do only a little of it. But I can't claim to be a virgin.'' Kinsley said he appeared about once every two months, but he wouldn't say what groups he spoke to or how much he was paid. ''I'm going to do a bit more,'' he said. ''I do staged debates—mini 'Crossfire's'—before business groups. If everyone disclosed, I would.''

The New Republic's White House correspondent, Fred Barnes, who is a regular on ''The McLaughlin Group'' and appears on ''CBS This Morning'' as a political commentator, speaks more often than Kinsley, giving thirty or forty paid speeches a year, he said, including the ''McLaughlin'' road show. How would Barnes respond to the question posed by members of Congress?

''They're elected officials,'' he said. ''I'm not an elected official. I'm not in government. I don't deal with taxpayers' money.''

Barnes's ''McLaughlin'' colleague Morton M. Kondracke is the executive editor of Roll Call, which covers Congress. Kondracke said that he gave about thirty-six paid speeches annually, but he would not identify the sponsors or disclose his fee. He believes that columnists have fewer constraints on their speechmaking than so-called objective reporters, since columnists freely expose their opinions.

Gloria Borger, a U.S. News & World Report columnist and frequent ''Washington Week in Review'' panelist, discloses her income from speeches, but only to her employer. Borger said she gave one or two paid speeches a month, but she wouldn't reveal her fee. ''I'm not an elected official,'' she said.

Like Borger, Wolf Blitzer, CNN's senior White House correspondent, said that he told his news organization about any speeches he made. How many speeches did he make in the last year?

''I would guess four or five,'' he said, and repeated that each one was cleared through his bureau chief.

What would Blitzer say to a member of Congress who asked how much he made speaking and from which groups?

''I would tell him 'None of your business,' '' Blitzer said.

Two other network chief White House correspondents NBC's Andrea Mitchell and CBS's Rira Braver—also do little speaking. ''I make few speeches,'' Mitchell said. ''Maybe ten a year. Maybe six or seven a year. I'm very careful about not speaking to groups that involve issues I cover.'' She declined to say how much she earned. For Braver, the issue was moot. I don't think I did any,'' she said, referring to paid speeches in the past year.

ABC's ''Prime Time Live'' correspondent Chris Wallace, who has done several investigative pieces on corporate-sponsored congressional junkets, said he made four or five paid speeches last year. ''I don't know exactly,'' he said. Could he remember his fee?

''I wouldn't say,'' he replied.

Did he speak to business groups?

''I'm trying to remember the specific groups,'' he said, and then went on. ''One was the Business Council of Canada. Yes, I do speak to business groups.''

So what is the difference between Chris Wallace and members of Congress who accept paid junkets?

''I'm a private citizen,'' he said, ''I have no control over public funds, I don't make public policy.''

Why did Wallace think that he was invited to speak before business groups?

''They book me because they feel somehow that it adds a little excitement or luster to their event,'' he said. He has been giving speeches since 1980, he said, and ''never once has any group called me afterward and asked me any favor in coverage.''

But isn't that what public officials usually say when Wallace corners them about a junket?

Those who underwrite congressional junkets are seeking ''access'' and ''influence,'' he said, but the people who hire him to make a speech are seeking ''entertainment.'' When I mentioned Wallace's remarks to Norman Pearlstine, the former executive editor of the Wall Street Journal, he said, ''By that argument, we ought not to distinguish between news and entertainment, and we ought to merge news into entertainment.''

ABC's political and media analyst Jeff Greenfield makes a ''rough guess'' that he gives fifteen paid speeches a year, many in the form of panels he moderates before various media groups—cable conventions, newspaper or magazine groups, broadcasting and marketing associations—that are concerned with subjects he regularly covers. ''It's like 'Nightline,' but it's not on the air,'' he said. He would not divulge his fee, or how much he earned in the past twelve months from speeches.

Greenfield argued that nearly everything he did could be deemed a potential conflict. ''I cover cable, but I cover it for ABC, which is sometimes in conflict with that industry,'' he said. Could he accept money to write a magazine piece or a book when he might one day report on the magazine publisher or the book industry? He is uneasy with the distinction that newspapers like the Wall Street Journal or the Washington Post make, which is to prohibit daily reporters from giving paid speeches to corporations or trade associations that lobby Congress and have agendas, yet allow paid college speeches. (Even universities have legislative agendas, Greenfield noted.) In trying to escape this ethical maze, Greenfield concluded, ''I finally decided that I can't figure out everything that constitutes a conflict.''

Eleanor Clift, of Newsweek, who is cast as the beleaguered liberal on ''The McLaughlin Group,'' said that she made between six and eight appearances a year with the group. Her fee for a speech on the West Coast was five thousand dollars, she said, but she would accept less to appear in Washington. She would not disclose her outside speaking income, and said that if a member of Congress were to ask she would say, ''I do disclose. I disclose to the people I work for. I don't work for the taxpayers.''

Christopher Matthews, a nationally syndicated columnist and Washington bureau chief of the San Francisco Examiner, who is a political commentator for ''Good Morning America'' and co-host of a nightly program on America's Talking, a new, NBC-owned cable network, told me last June that he gave between forty and fifty speeches a year. He netted between five and six thousand dollars a speech, he said, or between two and three hundred thousand dollars a year. Like many others, he is represented by the Washington Speakers Bureau, and he said that he placed no limitations on corporate or other groups he would appear before. ''To be honest, I don't spend a lot of time thinking about it,'' he said. ''I give the same speech.''

David S. Broder, of the Washington Post, who has a contract to appear regularly on CNN and on NBC's ''Meet the Press,'' said that he averaged between twelve and twenty-four paid speeches a year, mostly to colleges, and that the speeches are cleared with his editors at the Post. He did not discuss his fee, but Howard Kurtz, the Post's media reporter, said in his recent book ''Media Circus'' that Broder makes up to seventy-five hundred dollars a speech. Broder said he would support an idea advanced by Albert R. Hunt,the Wall Street Journal's Washington editor, to require disclosure as a condition of receiving a congressional press card. To receive a press card now, David Holmes, the superintendent of the House Press Gallery, told me, journalists are called upon to disclose only if they receive more than five per cent of their income from a single lobbying organization. Hunt said he would like to see the four committees that oversee the issuing of congressional press cards—made up of five to seven journalists each—require full disclosure of any income from groups that lobby Congress. He said he was aware of the bitter battle that was waged in 1988, when one committee issued new application forms for press passes which included space for detailed disclosure of outside income. Irate reporters demanded that the application form be rescinded, and it was. Today, the Journal, along with the Washington Post, is among the publications with the strictest prohibitions on paid speeches. Most journalistic organizations forbid reporters to accept money or invest in the stocks of the industries they cover. But the Journal and the Post have rules against reporters' accepting fees from any groups that lobby Congress or from any for-profit groups.

Hunt, who has television contracts with ''The Capital Gang'' and ''Meet the Press,'' said that he averaged three or four speeches a year, mostly to colleges and civic groups, and never to corporations or groups that directly petition Congress, and that he received five thousand dollars for most speeches.

William Safire, the *Times* columnist, who is a regular on ''Meet the Press,'' was willing to disclose his lecture income. ''I do about fifteen speeches a year for twenty thousand dollars a crack,'' he said. ''A little more for overseas and Hawaii.'' Where Safire parts company with Hunt is that he sees nothing wrong with accepting fees from corporations. He said that in recent months he had spoken to A.T. & T., the Pharmaceutical Research and Manufacturers of America, and Jewish organizations. Safire said that because he is a columnist his opinions are advertised, not hidden. ''I believe firmly in Samuel Johnson's dictum 'No man but a blockhead ever wrote except for money,'' he went on. ''I charge for my lectures. I charge for my books. I charge when I go on television. I feel no compunction about it. It fits nicely into my conservative, capitalist—with a capital 'C'—philosophy.''

Tim Russert, the host of ''Meet the Press,'' said that he had given ''a handful'' of paid speeches in the past year, including some to for-profit groups. He said that he had no set fee, and that he was wary of arbitrary distinctions that say lecturing is bad but income from stock dividends is fine. Russert also raised the question of journalists' appearing on shows like ''Meet the Press,'' which, of course, have sponsors. ''Is that a conflict? You can drive yourself crazy on this.''

Few journalists drive themselves crazy over whether to accept speaking fees from the government they cover. They simply don't. But enticements do come from unusual places. One reporter, who asked to remain anonymous, said that he had recently turned down a ten-thousand dollar speaking fee from the Central Intelligence Agency. A spokesman for the C.I.A., David Christian, explained to me, ''We have an Office of Training and Education, and from time to time we invite knowledgeable non-government experts to talk to our people as part of our training program.'' Does the agency pay for these speeches? ''Sometimes we do, and sometimes we don't,'' he said. Asked for the names of journalists who accepted such fees, Christian said the he was sorry but ''the records are scattered.''

Time's Washington columnist, Margaret Carlson, who is a regular on ''The Capital Gang,'' laughed when I asked about her income from speeches and said, ''My view is that I just got on the gravy train, so I don't want it to end.'' Carlson said she gave six speeches last year, at an average of five thousand dollars a speech, including a panel appearance in San Francisco before the American Medical Association (with Michael Kinsley, among others). She made a fair distinction between what she did for a fee and what Treasury Secretary Lloyd Bentsen tried to do in 1987, when, as Senate Finance Committee chairman, he charged lobbyists ten thousand dollars a head for the opportunity to join him for breakfast once a month. ''We are like monkeys who get up onstage,'' Carlson said, echoing Chris Wallace. ''It's mud wrestling for an hour or an hour and a half, and it's over.''

There are journalistic luminaries who make speeches but, for the sake of appearances, do not accept fees. They include the three network-news anchors—NBC's Tom Brokaw, ABC's Peter Jennings and CBS' Dan Rather—all of whom say that they don't charge to speak or they donate their fees to charity. ''We don't need the money,'' Brokaw said. ''And we thought it created an appearance of conflict.'' Others who do not accept fees for speaking are Ted Koppel, of ABC's ''Nightline''; Jim Lehrer, of ''The MacNeil/Lehrer News Hour''; Bob Schieffer, CBS' chief Washington correspondent and the host of ''Face the Nation''; and C-SPAN's Brian Lamb.

ABC's senior Washington correspondent, James Wooten, explained how, in the mid-eighties, he decided to change his ways after a last lucrative weekend: ''I had a good agent and I got a day off on Friday and flew out Thursday after the news and did Northwestern University Thursday night for six thousand dollars. Then I got a rental car and drove to Milwaukee, and in midmorning I did Marquette for five or six thousand dollars. In the afternoon, I went to the University of Chicago, to a small symposium, for which I got twenty-five hundred to three thousand dollars. Then I got on a plane Friday night and came home. I had made fifteen thousand dollars, paid the agent three thousand, and had maybe two thousand in expenses. So I made about ten thousand dollars for thirty-six hours. I didn't have a set speech, I just talked off the top of my head.'' But his conscience told him it was wrong. ''It's easy money,'' Wooten said.

As for me, *The New Yorker* paid my travel expenses to and from the congressional retreat. In the past twelve months, I've given two paid speeches; the first, at New York's Harmonic Club, was to make an opening presentation and to moderate a panel on the battle for control of Paramount Communications, for which I was paid twelve hundred dollars; the second was a speech on the future of the information superhighway at a Manhattan luncheon sponsored by the Baltimore-based investment firm of Alex, Brown & Sons, for which my fee was seventy-five hundred dollars. I don't accept lecture fees from communications organizations.

Like the public figures we cover, journalists would benefit from a system of checks and balances. Journalistic institutions, including *The New Yorker*, too seldom have rigorous rules requiring journalists to check with an editor or an executive before agreeing to make a paid speech; the rules at various institutions for columnists are often even more permissive. Full disclosure provides a disinfectant—the power of shame. A few journalistic institutions, recently shamed, have been taking a second look at their policies. In mid-June, ABC News issued new rules, which specifically prohibit paid speeches to trade associations or to any ''for-profit business.'' ABC's ban—the same one that is in place at the *Wall Street Journal* and the *Washington Post*—prompted Roberts, Donaldson, Brinkley, Wallace, and several other ABC correspondents to protest, and they met in early August with senior news executives. They sought a lifting of the ban, which would allow them to get permission on a case-by-case basis. But a ranking ABC official says. ''We can agree to discuss exceptions but not give any. Their basic argument is greed, for Christ's sake!'' Andrew Lack, the president of NBC News, said that he plans to convene a meeting of his executives to shape an entirely new speaking policy. ''My position is that the more we can discourage our people from speaking for a fee, the better,'' he said. And CBS News now stipulates that all speaking requests must be cleared with the president or the vice-president of news. Al Vecchione, the president of MacNeil/Lehrer Productions, admitted in June to having been embarrassed by the American Journalism Review piece. ''We had a loose policy,'' he said. ''I just finished rewriting our company policy.'' Henceforth, those associated with the program will no longer accept fees to speak to corporate groups or trade associations that directly lobby the government. The New Yorker, according to its executive editor, Hendrik Hertzberg, is in the process of reviewing its policies.

Those who frequently lecture make a solid point when they say that lecture fees don't buy favorable coverage. But corruption can take subtler forms than the quid pro quo, and the fact that journalists see themselves as selling entertainment rather than influence does not wipe the moral slate clean. The real corruption of ''fee speech,'' perhaps, is not that journalists will do favors for the associations and businesses that pay them speaking fees but that the nexus of television and speaking fees creates what Representative Obey called ''an incentive to be even more flamboyant'' on TV—and, to a lesser extent, on the printed page. The television talk shows value vividness, pithiness, and predictability. They prefer their panelists reliably pro or con, ''liberal'' or ''conservative,'' Too much quirkiness can make a show unbalanced; too much complexity can make it dull. Time's Margaret Carlson told me, not entirely in jest, ''I was a much more thoughtful person before I went on TV. But I was offered speeches only after I went on TV.'' Her Time colleague the columnist Hugh Sidey said that when he stopped appearing regularly on television his lecture income shrivelled. Obey wishes that it would shrivel for the rest of the pundit class as well. An attitude of scorn often substitutes for hard work or hard thought and it's difficult to deny that the over-all result of this dynamic is a coarsening of political discourse.

Celebrity journalism and the appearance of conflicts unavoidably erode journalism's claim to public trust. ''My view is that you're going to start having character stories about journalists,'' Jay Rosen, a journalism professor at New York University and the director of the Project on Public Life and the Press, told me recently. ''It's inevitable. If I were a big-name Washington journalist, I'd start getting my accounts together. I don't think journalists are private citizens.''

[From the American Journalism Review, June 1995]

TAKE THE MONEY AND TALK

(By Alicia C. Shepard)

It's speech time and the Broward County Convention Center in Fort Lauderdale.

ABC News correspondent and NPR commentator Cokie Roberts takes her brown handbag and notebook off of the ''reserved'' table where she has been sitting, waiting to speak. She steps up to the podium where she is gushingly introduced and greeted with resounding applause.

Framed by palm fronds, Roberts begins her speech to 1,600 South Florida businesswomen attending a Junior League-sponsored seminar. Having just flown in from Washington, D.C., Roberts breaks the news of the hours-old arrest of a suspect in the Oklahoma City bombing. She talks of suffragette Susan B. Anthony, of how she misses the late House Speaker Tip O'Neill, of the Republican takeover on Capitol Hill. Then she gives her listeners the inside scoop on the new members of Congress.

''They are very young,'' says Roberts, 52. ''I'm constantly getting it wrong, assuming they are pages. They're darling. They're wildly adept with a blow dryer and I resent them because they call me ma'am.'' The audience laughs.

After talking for an hour on ''Women and Politics,'' Roberts answers questions for 20 minutes. One woman asks the veteran correspondent, who has covered Washington

since 1978, when there will be a female president.

''I think we'll have a woman president when a woman is elected vice president and we do in the guy,'' Roberts quips.

This crowd loves her. When Roberts finishes, they stand clapping for several minutes. Roberts poses for a few pictures and is whisked out and driven to the Miami airport for her first-class flight back to Washington.

For her trouble and her time, the Junior League of Greater Fort Lauderdale gave Roberts a check for $35,000. ''She's high, very high,'' says the League's Linda Carter, who lined up the keynote speakers. The two other keynote speakers received around $10,000 each.

The organization sponsored the seminar to raise money for its community projects, using Roberts as a draw. But shelling out $35,000 wouldn't have left much money for, say, the League's foster care or women's substance abuse programs or its efforts to increase organ donors for transplants.

Instead, Roberts tab was covered by a corporate sponsor. JM Family Enterprises. The $4.2 billion firm is an umbrella company for the largest independent American distributor of Toyotas. The second-largest privately held company in Florida, it provides Toyotas to 164 dealerships in five southern states and runs 20 other auto-related companies.

But Roberts doesn't want to talk about the company that paid her fee. She doesn't like to answer the kind of questions she asks politicians. She won't discuss what she's paid, whom she speaks to, why she does it or how it might affect journalism's credibility when she receives more money in an hour-and-a-half from a large corporation than many journalists earn in a year.

''She feels strongly that it's not something that in any way shape or form should be discussed in public.'' ABC spokeswoman Eileen Murphy said in response to AJR's request for an interview with Roberts.

Roberts' ABC colleague Jeff Greenfield, who also speaks for money, doesn't think it's a good idea to duck the issue. ''I think we ought not not talk about it.'' he says. ''I mean that's Cokie's right, obviously,'' he adds, but ''if we want people to answer our questions, then up to a reasonable point, we should answer their questions.''

The phenomenon of journalists giving speeches for staggering sums of money continues to dog the profession. Chicago Tribune Washington Bureau Chief James Warren has created a cottage industry criticizing colleagues who speak for fat fees. Washington Post columnist James K. Glassman believes the practice is the ''next great American scandal.'' Iowa Republican Sen. Charles Grassley has denounced it on the Senate floor.

A number of news organizations have drafted new policies to regulate the practice since debate over the issue flared a year ago (see ''Talk is Expensive,'' May 1994). Time magazine is one of the latest to do so, issuing a flat-out ban on honoraria in April. The Society for Professional Journalists, in the process of revising its ethics code, is wrestling with the divisive issue.

The eye-popping sums star journalists receive for their speeches, and the possibility that they may be influenced by them, have drawn heightened attention to the practice, which is largely the province of a relatively small roster of well-paid members of the media elite. Most work for the television networks or the national news weeklies; newspaper reporters, with less public visibility, aren't asked as often.

While the crescendo of criticism has resulted in an official crackdown at several news organizations—as well as talk of new hardline policies at others—it's not clear how effective the new policies are, since no public disclosure system is in place.

Some well-known journalists, columnists and ''Crossfire'' host Michael Kinsley and U.S. News & World Report's Steven V. Roberts among them, scoff at the criticism. They assert that it's their right as private citizens to offer their services for whatever the market will bear, that new policies won't improve credibility and that the outcry has been blown out of proportion.

But the spectacle of journalists taking big bucks for speeches has emerged as one of the high-profile ethical issues in journalism today.

''Clearly some nerve has been touched,'' Warren says. ''A nerve of pure, utter defensiveness on the part of a journalist trying to rationalize taking [honoraria] for the sake of their bank account because the money is so alluring.''

A common route to boarding the lecture gravy train is the political talk show. National television exposure raises a journalist's profile dramatically, enhancing the likelihood of receiving lucrative speaking offers.

The problem is that modulated, objective analysis is not likely to make you a favorite on ''The Capital Gang'' or ''The McLaughlin Group.'' Instead, reporters who strive for objectivity in their day jobs are often far more opinionated in the TV slugfests.

Time Managing Editor James R. Gaines, who issued his magazine's recent ban on accepting honoraria, sees this as another problem for journalists' credibility, one he plans to address in a future policy shift. ''Those journalists say things we wouldn't let them say in the magazine. . . .'' says Gaines, whose columnist Margaret Carlson appears frequently on ''The Capital Gang.'' ''It's great promotion for the magazine and the magazine's journalists. But I wonder about it when the journalists get into that adversarial atmosphere where provocation is the main currency.''

Journalists have been ''buckraking'' for years, speaking to trade associations, corporations, charities, academic institutions and social groups. But what's changed is the amount they're paid. In the mid-1970s, the fees peaked at $10,000 to $15,000, say agents for speakers bureaus. Today, ABC's Sam Donaldson can get $30,000, ABC's David Brinkley pulls in $18,000 and the New York Times' William Safire can command up to $20,000.

When a $4.2 billion Toyota distributor pays $35,000 for someone like Cokie Roberts, or a trade association pays a high-profile journalist $10,000 or $20,000 for an hour's work, it inevitably raises questions and forces news executives to re-examine their policies.

That's what happened last June at ABC. Richard Wald, senior vice president of news, decided to ban paid speeches to trade associations and for-profit corporations—much to the dismay of some of ABC's best-paid correspondents. As at most news organizations, speaking to colleges and nonprofits is allowed.

When Wald's policy was circulated to 109 employees at ABC, some correspondents howled (see Free Press, September 1994). Protests last August from Roberts, Donaldson, Brinkley, Greenfield, Brit Hume and others succeeded only in delaying implementation of the new guidelines. Wald agreed to ''grandfather in'' speeches already scheduled through mid-January. After that, if a correspondent speaks to a forbidden group, the money must go to charity.

''Why did we amend it? Fees for speeches are getting to be very large,'' Wald says. ''When we report on matters of national interest, we do not want it to appear that folks who have received a fee are in any way beholden to anybody other than our viewers. Even though I do not believe anybody was every swayed by a speech fee. I do believe that it gives the wrong impression. We deal in impressions.''

The new policy has hurt, says ABC White House correspondent Ann Compton. Almost a year in advance, Compton agreed to speak to the American Cotton Council. But this spring, when she spoke to the trade group, she had to turn an honorarium of ''several thousand dollars'' over to charity. Since the policy went into effect, Compton has turned down six engagements that she previously would have accepted.

''The restrictions how have become so tight, it's closed off some groups and industries that I don't feel I have a conflict with,'' says Compton, who's been covering the White House off and on since 1974. ''It's closed off, frankly, the category of organizations that pay the kind of fees I get.'' She declines to say what those fees are.

And it has affect her bank account. ''I've got four kids . . .'' Compton says. ''It's cut off a significant portion of income for me.''

Some speakers bureaus say ABC's new policy and criticism of the practice have had an impact.

''It has affect us, definitely,'' says Lori Fish of Keppler Associates in Arlington, Virginia, which represents about two dozen journalists. ''More journalists are conscious of the fact that they have to be very particular about which groups they accept honoraria from. On our roster there's been a decrease of some journalists accepting engagements of that sort. It's mainly because of media criticism.''

Other bureaus, such as the National Speakers Forum and the William Morris Agency, say they haven't noticed a difference. ''I can't say that the criticism has affected us,'' says Lynn Choquette, a partner at the speakers forum.

Compton, Donaldson and Greenfield still disagree with Wald's policy but, as they say, he's the boss.

''I believe since all of us signed our contracts with the expectation that the former ABC policy would prevail and took that into account when we agreed to sign our contracts for X amount,'' Donaldson says, ''it was not fair to change the policy midstream.'' Donaldson says he has had to turn down two speech offers.

Greenfield believes the restrictions are unnecessary.

''When I go to speak to a group, the idea that it's like renting a politician to get his ear is not correct,'' he says. ''We are being asked to provide a mix of entertainment and information and keep audiences in their seats at whatever convention so they don't go home and say, 'Jesus, what a boring two-day whatever that was.' ''

Most agree it's the size of the honoraria that is fueling debate over the issue. ''If you took a decimal point or two away, nobody would care,'' Greenfield says. ''A lot of us are now offered what seems to many people a lot of money. They are entertainment-size sums rather than journalistic sizes.''

And Wald has decided ''entertainment-size sums'' look bad for the network, which has at least a dozen correspondents listed with speakers bureaus. It's not the speeches themselves that trouble Wald. ''You can speak to the American Society of Travel Agents or the Electrical Council.'' he says, ''as long as you don't take money from them.''

But are ABC officials enforcing the new policy? ''My suspicion is they're not, that they are chickenshit and Cokie Roberts will do whatever the hell she wants to do and they don't have the balls to do anything,'' says the Chicago Tribune's Warren, whose newspaper allows its staff to make paid speeches only to educational institutions.

There's obviously some elasticity in ABC's policy. In April, Greenfield, who covers media and politics, pocketed $12,000 from the National Association of Broadcasters for speaking to 1.000 members and interviewing media giants Rupert Murdoch and Barry Diller for the group. Wald says that was acceptable.

He also says it was fine for Roberts to speak to the Junior League-sponsored business conference in Fort Lauderdale, even though the for-profit JM Family Enterprises paid her fee.

''As long as the speech was arranged by a reasonable group and it carried with it no tinct from anybody, it's okay,'' says Wald. ''I don't care where they [the Junior League] get their money.''

Even with its loopholes, ABC has the strictest restrictions among the networks. NBC, CBS and CNN allow correspondents to speak for dollars on a case-by-case basis and require them to check with a supervisor first. Last fall, Andrew Lack, president of NBC News, said he planned to come up with a new policy. NBC spokesperson Lynn Gardner says Lack has drafted the guidelines and will issue them this summer. ''The bottom line is that Andrew Lack is generally not in favor of getting high speaking fees,'' she says.

New Yorker Executive Editor Hendrik Hertzberg also said last fall that his magazine would review its policy, under which writers are supposed to consult with their editors in ''questionable cases.'' The review is still in progress. Hertzberg says it's likely the magazine will have a new policy by the end of the year.

''There's something aesthetically offensive to my idea of journalism for American journalists to be paid $5,000, $10,000 or $20,000 for some canned remarks simply because of his or her celebrity value,'' Hertzberg says.

Rewriting a policy merely to make public the outside income of media personalities guarantees resistance, if not outright hostility. Just ask John Harwood of the Wall Street Journal's Washington bureau. This year, Harwood was a candidate for a slot on the committee that issues congressional press passes to daily print journalists.

His platform included a promise to have daily correspondents list outside sources of income—not amounts—on their applications for press credentials. Harwood's goal was fuller disclosure of outside income, including speaking fees.

''I'm not trying to argue in all cases it's wrong,'' says Harwood. ''But we make a big to-do about campaign money and benefits lawmakers get from special interests and I'm struck by how many people in our profession also get money from players in the political process.''

Harwood believes it's hypocritical that journalists used to go after members of Congress for taking speech fees when journalists do the same thing. (Members of Congress are no longer permitted to accept honoraria.)

''By disclosing the people who pay us,'' says Harwood, ''we let other people who may have a beef with us draw their own conclusions. I don't see why reporters should be afraid of that.''

But apparently they are. Harwood lost the election.

''I'm quite certain that's why John lost,'' says Alan J. Murray, the Journal's Washington bureau chief, who made many phone calls on his reporter's behalf. ''There's clearly a lot of resistance,'' adds Murray, whose newspaper forbids speaking to for-profit companies, political action committees and anyone who lobbies Congress. ''Everybody likes John. But I couldn't believe how many people said—even people who I suspect have very little if any speaking incomes—that it's just nobody's business. I just don't buy that.''

His sentiment is shared in the Periodical Press Gallery on Capitol Hill, where magazine reporters applying for press credentials must list sources of outside income. But in the Radio-Television Correspondents Gallery, where the big-name network reporters go for press credentials, the issue of disclosing outside income has never come up, says Kenan Block, a ''MacNeil/Lehrer NewsHour'' producer.

''I've never heard anyone mention it here and I've been here going on 11 years,'' says Block, who is also chairman of the Radio-Television Correspondents Executive Committee. ''I basically feel it's not our place to police the credentialed reporters. If you're speaking on the college circuit or to groups not terribly political in nature, I think, If anything, people are impressed and a bit envious. It's like, 'More power to them.' ''

But the issue of journalists' honoraria has been mentioned at Block's program.

Al Vecchione, president of McNeil/Lehrer Productions, says he was ''embarrassed'' by AJR's story last year and immediately wrote a new policy. The story reported that Robert MacNeil accepted honoraria, although he often spoke for free; partner Jim Lehrer said he had taken fees in the past but had stopped after his children got out of college.

''We changed [our policy] because in reading the various stories and examining our navel, we decided it was not proper,'' Vecchione says. ''While others may do it, we don't think it's proper. Whether in reality it's a violation or not, the perception is there and the perception of it is bad enough.''

MacNeil/Lehrer's new policy is not as restrictive as ABC's, however. It says correspondents ''should avoid accepting money from individuals, companies, trade associations or organizations that lobby the government or otherwise try to influence issues the NewsHour or other special * * * programs may cover.''

As is the case with many of the new, stricter policies, each request to speak is reviewed on a case-by-case basis. That's the policy at many newspapers and at U.S. News.

Newsweek tightened its policy last June. Instead of simply checking with an editor, staffers now have to fill out a form if they want to speak or write freelance articles and submit it to Ann McDaniel, the magazine's chief of correspondents.

''The only reason we formalized the process is because we thought this was becoming more popular than it was 10 years ago,'' McDaniel says, ''We want to make sure [our staff members] are not involved in accepting compensation from people they are very close to. Not because we suspect they can be bought or that there will be any improper behavior but because we want to protect our credibility.''

Time, on the other hand, looked at all the media criticism and decided to simply end the practice. In an April 14 memo. Managing Editor Gaines told his staff, ''The policy is that you may not do it.

Gaines says the new policy was prompted by ''a bunch of things that happened all at once.'' He adds that ''a lot of people were doing cruise ships and appearances and have some portion of their income from that, so their ox is gored.''

The ban is not overwhelmingly popular with Time staffers. Several, speaking on a not-for-attribution basis, argue that it's too tough and say they hope to change Gaines' mind. He says that won't happen, although he will amend the policy to allow paid speeches before civic groups, universities and groups that are ''clearly not commercial.''

''Academic seminars are fine,'' he says. ''If some college wants to pay expenses and a $150 honorarium, I really don't have a problem with that.''

Steve Roberts, a senior writer with U.S. News & World Report and Cokie Roberts' husband, is annoyed that some media organizations are being swayed by negative publicity. He says there's been far too much criticism of what he believes is basically an innocuous practice. Roberts says journalists have a right to earn as much as they can by speaking, as long as they are careful about appearances and live by high ethical standards.

''This whole issue has been terribly overblown by a few cranks,'' Roberts says. ''As long as journalists behave honorably and use good sense and don't take money from people they cover, I think it's totally legitimate. In fact, my own news organization encourages it.''

U.S. News not only encourages it, but its public relations staff helps its writers get speaking engagements.

Roberts says U.S. News has not been intimidated by the ''cranks,'' who he believes are in part motivated by jealousy. ''I think a few people have appointed themselves the critics and watchdogs of our profession. I, for one, resent it.''

His chief nemesis is Jim Warren, who came to Washington a year-and-a-half ago to take charge of the Chicago Tribune's bureau. Warren, once the Tribune's media writer, writes a Sunday column that's often peppered with news flashes about which journalist is speaking where and for how much. The column includes a ''Cokie Watch.'' named for Steve Roberts' wife of 28 years, a woman Warren has written reams about but has never net.

''Jim Warren is a reprehensible individual who has attacked me and my wife and other people to advance his own visibility and his own reputation,'' Roberts asserts. ''He's on a crusade to make his own reputation by tearing down others.''

While Warren may work hard to boost his bureau's reputation for Washington coverage, he is best known for his outspoken criticism of fellow journalists. Some reporters cheer him on and fax him tips for ''Cokie Watch.'' Others are highly critical and ask who crowned Warren chief of the Washington ethics police.

Even Warren admits his relentless assault has turned him into a caricature.

''I'm now in the Rolodex as inconoclast, badass Tribune bureau chief who writes about Cokie Roberts all the time,'' says Warren, who in fact doesn't. ''But I do get lots of feedback from rank-and-file journalists saying, 'Way to go. You're dead right.' It obviously touches a nerve among readers.''

So Warren writes about Cokie and Steve Roberts getting $45,000 from a Chicago bank for a speech and the traveling team of television's ''The Capital Gang'' sharing $25,000 for a show at Walt Disney World. He throws in parenthetically that Capital Gang member Michael Kinsley ''should know better.''

Kinsley says he would have agreed a few years ago, but he's changed his tune. He now believes there are no intrinsic ethical problems with taking money for speaking. He does it, he wrote in The New Republic in May, for the money, because it's fun and it boosts his ego.

''Being paid more than you're worth is the American dream,'' he wrote. ''I see a day when we'll all be paid more than we're worth. Meanwhile, though, there's no requirement for journalists, alone among humanity, to deny themselves the occasional fortuitous tastes of this bliss.''

To Kinsley, new rules restricting a reporter's right to lecture for largesse don't accomplish much.

''Such rules merely replace the appearance of corruption with the appearance of propriety,'' he wrote. ''What keeps journalists on

the straight and narrow most of the time is not a lot of rules about potential conflicts of interest, but the basic reality of our business that a journalist's product it out there for all to see and evaluate.''

The problem, critics say, is that without knowing who besides the employer is paying a journalist, the situation isn't quite that clear-cut.

Jonathan Salant, president of the Washington chapter of the Society of Professional Journalists, cites approvingly a remark by former Washington Post Executive Editor Ben Bradlee in AJR's March issue: ''If the Insurance Institute of America, if there is such a thing, pays you $10,000 to make a speech, don't tell me you haven't been corrupted. You can say you haven't and you can say you will attack insurance issues in the same way, but you won't. You can't.''

Salant thinks SPJ should adopt an absolute ban on speaking fees as it revises its ethics code. Most critics want some kind of public disclosure at the very least.

Says the Wall Street Journal's Murray, ''You tell me what is the difference between somebody who works full time for the National Association of Realtors and somebody who takes $40,000 a year in speaking fees from Realtor groups. It's not clear to me there's a big distinction. I'm not saying that because you take $40,000 a year from Realtors that you ought to be thrown out of the profession. But at the very least, you ought to disclose that.''

And so Murray is implementing a disclosure policy. By the end of the year, the 40 journalists working in his bureau will be required to list outside income in a report that will be available to the public.

''People are not just cynical about politicians,'' says Murray. ''They are cynical about us. Anything we can do to ease that cynicism is worth doing.''

Sen. Grassley applauds the move. Twice he has taken to the floor of the Senate to urge journalists to disclose what they earn on the lecture circuit.

''It's both the amount and doing it,'' he says. ''I say the pay's too much and we want to make sure the fee is disclosed. The average worker in my state gets about $21,000 a year. Imagine what he or she thinks when a journalist gets that much for just one speech?''

Public disclosure, says Grassley, would curtail the practice.

Disclosure is often touted as the answer. Many journalists, such as Kinsley and Wall Street Journal columnist Al Hunt—a television pundit and Murray's predecessor as bureau chief—have said they will disclose their engagements and fees only if their colleagues do so as well.

Other high-priced speakers have equally little enthusiasm for making the information public. ''I don't like the idea,'' says ABC's Greenfield. ''I don't like telling people how much I get paid.''

But one ABC correspondent says he has no problem with public scrutiny. John Stossel, a reporter on ''20/20,'' voluntarily agreed to disclose some of the ''absurd'' fees he's earned. Last year and through March of this year Stossel raked in $160,430 for speeches—$135,280 of which was donated to hospital, scholarship and conservation programs.

''I just think secrecy in general is a bad thing,'' says Stossel, who did not object to ABC's new policy. ''We [in the media] do have some power. We do have some influence. That's why I've come to conclude I should disclose, so people can judge whether I can be bought.''

(Stossel didn't always embrace this notion so enthusiastically. Last year he told AJR he had received between $2,000 and $10,000 for a luncheon speech, but wouldn't be more precise.)

Brian Lamb, founder and chairman of C-SPAN, has a simpler solution, one that also has been adopted by ABC's Peter Jennings, NBC's Tom Brokaw and CBS' Dan Rather and Connie Chung. They speak, but not for money.

''I never have done it,'' Lamb says. ''It sends out one of those messages that's been sent out of this town for the last 20 years: Everybody does everything for money. When I go out to speak to somebody I want to have the freedom to say exactly what I think. I don't want to have people suspect that I'm here because I'm being paid for it.''

On February 20, according to the printed program, Philip Morris executives from around the world would have a chance to listen to Cokie and Steve Roberts at 7 a.m. while enjoying a continental breakfast. ''Change in Washington: A Media Perspective with Cokie and Steve Roberts,'' was the schedule event at the PGA resort in Palm Beach during Philip Morris' three-day invitational golf tournament.

A reporter who sent the program to AJR thought it odd that Cokie Roberts would speak for Philip Morris in light of the network's new policy. Even more surprising, he thought, was that she would speak to a company that's suing ABC for libel over a ''Day One'' segment that alleged Philip Morris adds nicotine to cigarettes to keep smokers addicted. The case is scheduled to go to trial in September.

At the last minute, Cokie Roberts was a no-show, says one of the organizers. ''Cokie was sick or something'' says Nancy Schaub of Event Links, which put on the golf tournament for Philip Morris. ''Only Steve Roberts came.''

Cokie Roberts won't talk to AJR about why she changed her plans. Perhaps she got Dick Wald's message.

''Of course, it's tempting and it's nice,'' Wald says of hefty honoraria. ''Of course, they [ABC correspondents] have rights as private citizens. It's not an easy road to go down. But there are some things you just shouldn't do and that's one of them.''

[From the Columbia Journalism Review, May–June 1995]

WHERE THE SUN DOESN'T SHINE—FINANCIAL DISCLOSURE FOR JOURNALISTS DOESN'T FLY

(By Jamie Stiehm)

Journalists don't like to politick on their own behalf; they'd much rather cover politics as a spectator sport. But every so often a few souls in Washington are asked—if not told—by their bureau chiefs to run for the prestigious Standing Committee of Correspondents in one of the congressional press galleries. In the case of the daily newspaper gallery, this is an inner circle, democratically elected, that makes important logistical decisions affecting coverage of both Congress and the national political conventions. Hence the tendency of the bigger newspapers and wire services to exercise their clout to get their people in there.

So this year, chances are that if he had kept quiet, John Harwood of the Wall Street Journal, the only candidate from one of the ''Big Four'' national newspapers, would have won. But instead, Harwood chose to ignite a controversial issue that has divided the journalistic community ever since Ken Auletta's September 12 New Yorker article made it the talk of the town: whether journalists should disclose to their peers and the public their ''outside income''—that is, income earned from speeches and sources other than their day jobs.

''I think it's time we do a better job of disclosing the sort of potential conflicts we so often expose in the case of public officials,'' Harwood wrote to 2,000 colleagues in a campaign letter. In an interview, he adds, ''Given the impact the media have on public policy discussions, we should be willing to subject ourselves to more scrutiny.''

This philosophy did not play too well with the masses. As they paid campaign calls around town, Harwood and the Journal's Washington bureau chief, Alan Murray, could hardly help noticing that the disclosure proposal did not excite enthusiasm. ''I was surprised,'' Murray states flatly, ''to find out so many of my colleagues oppose the right thing to do.''

Yet only a handful of daily gallery members, the so-called celebrity journalists who make substantial money from speaking engagements, would likely have serious outside income to disclose. (Harwood himself says that he earned only $300 last year from an outside source, for a speech he gave to the World Affairs Council.) The vast majority of the gallery members are beat reporters who might reasonably resent what some see as an invasion of privacy. ''What business of the gallery is it what my income is?'' says Stephen Green, of Copley News Service, who also ran and lost. ''People who are paying your salary should decide whether you have a conflict or not.'' Alan Fram of The Associated Press, the big winner, opposed disclosure partly on the ground that reporters are private citizens, not public officials.

Fram and Green see ''philosophical perils,'' as Green put it, in ''licensing'' reporters by requiring them to reveal certain facts and activities. ''That opens up a door we don't want to walk through,'' says Fram. ''What's the next step? Voting registration?''

Of the three press galleries that accredit reporters on Capitol Hill—the daily, periodical, and radio-TV galleries—only the periodical press gallery requires members to list all sources of earned income. This rule has always applied to the periodical gallery, largely because it receives more applications from people who might be moonlighting as trade association lobbyists, government consultants, or corporate newsletter writers.

Harwood argues that he only wants the daily gallery to do what the periodical gallery already does: put the sources, not the amounts, of outside income on record for any other gallery member to look up. He would go one step further, however, and make records available to the general public, not just journalistic peers: ''Put the judgment out there.''

Would writing these things down prevent anything impure from taking place? Maybe: environmental lawyers, for example, have found that the most effective laws are the ''sunshine'' statutes that made certain polluting practices less common simply by requiring companies to report them.

Anyway, the results are in. Out of a field of five, Harwood lost narrowly to the three winners: Fram of AP, Sue Kirchhoff of Reuters, and Bill Welch of USA Today, none of whom share his views. Is financial disclosure for journalists an idea whose time has come? If Harwood's loss is a good sounding of the current state of journalistic opinion, the answer is: not yet.

Mr. BYRD. Mr. President, I yield the floor.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MACK. Mr. President, I am prepared to accept the amendment of the distinguished Senator from West Virginia because it is the beginning, not the end, and it is a sense-of-the-Senate resolution that will begin the process for a complete hearing on the matter. As I understand it, it is a sense-of-the-

Senate resolution that in essence calls for a separate Senate resolution to be offered in the future during the 104th Congress that would in essence call for the Rules Committee to begin the process of complete hearings on the issue.

Mr. BYRD. The Senator is correct.

Mr. MACK. Mr. President, while I have indicated that I am prepared to accept the amendment, I think it is fair to say that there are questions with respect to the concept as it relates to members of the Senate Press Gallery only, as I understand it.

Mr. BYRD. It pertains only to the credentialing of members of the Senate Press Gallery.

Mr. MACK. I thank the Senator.

Mr. President, I do believe that several of the points that the Senator from West Virginia made during his comments with respect to the amendment were, in fact, on target, specifically the issue as to the power of the press in choosing what to cover. There is a tendency for us in public life to hear—and I guess from time to time believe—that we have been inaccurately quoted. My own experience is that has not really been a problem. The issue which I think is important—the issue which I think the publishers of newspapers have said themselves—is that the power of the press is really to choose what to cover and what not to cover.

My point for making this is that the individuals who are members of the Press Gallery in the Senate, frankly, and from my perspective, are not the ones that determine what is going to be covered and what is not.

So I think that frankly there will have to be a complete hearing on the issue to make a determination about whether the Senate in fact should move on this concept. But at this point, as I said a moment ago, I am prepared to accept the amendment.

Mr. BYRD. Mr. President, I thank the distinguished Senator, the manager of the bill, for his comments and for his support in offering to accept the amendment.

Mrs. MURRAY addressed the Chair.

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

Mrs. MURRAY. Mr. President, I have listened carefully to the words of the Senator from West Virginia on his sense-of-the-Senate resolution and am also willing to accept the amendment on the grounds that I see it as the precursor to having a hearing on this so that all sides can be aired. I would want to make sure that we were not precluding anyone's ability to be in the Press Gallery with this kind of amendment. I think those kinds of questions and answers can be gathered. I understand that is what this amendment is trying to attain and with that would not object to it.

Mr. BYRD. Mr. President, I thank the minority manager. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

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

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

The question is on agreeing to the amendment of the Senator from West Virginia [Mr. BYRD]. 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. HELMS] is necessarily absent.

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

The result was announced—yeas 60, nays 39, as follows:

[Rollcall Vote No. 312 Leg.]

YEAS—60

Akaka	Feingold	Mikulski
Baucus	Ford	Moseley-Braun
Bennett	Glenn	Murkowski
Bond	Grams	Murray
Boxer	Grassley	Nunn
Bradley	Gregg	Pell
Breaux	Harkin	Pressler
Bumpers	Hatfield	Pryor
Burns	Heflin	Reid
Byrd	Hollings	Robb
Campbell	Inouye	Rockefeller
Chafee	Jeffords	Shelby
Coats	Johnston	Simpson
Cohen	Kennedy	Smith
Conrad	Kohl	Snowe
Craig	Lautenberg	Stevens
Daschle	Leahy	Thomas
Dole	Lott	Thurmond
Dorgan	Mack	Warner
Faircloth	McConnell	Wellstone

NAYS—39

Abraham	Feinstein	Levin
Ashcroft	Frist	Lieberman
Biden	Gorton	Lugar
Bingaman	Graham	McCain
Brown	Gramm	Moynihan
Bryan	Hatch	Nickles
Cochran	Hutchison	Packwood
Coverdell	Inhofe	Roth
D'Amato	Kassebaum	Santorum
DeWine	Kempthorne	Sarbanes
Dodd	Kerrey	Simon
Domenici	Kerry	Specter
Exon	Kyl	Thompson

NOT VOTING—1

Helms

So the amendment (No. 1802) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I commend the Appropriations Committee for bringing this bill to the floor. Senator HATFIELD, Senator BYRD, Senator MACK, and Senator MURRAY, in my view, have crafted a bill that reduces the amount we will spend on the legislative branch by over $200 million and an amount which is $427 million below the fiscal 1995 budget estimate.

This is an excellent piece of legislation. It is certainly not perfect, but I, again, congratulate the managers of the bill for an outstanding effort to reduce spending on the legislative branch. Obviously, it is where we must begin if we are going to ask other sectors of America to experience spending cuts as well. I thank my colleagues.

Mr. DOMENICI. Mr. President, I want to share with the Senate my congratulations to the subcommittee, in particular the subcommittee chairman, Senator CONNIE MACK, because we started out this year on our side of the aisle—and I am very pleased this has become bipartisan—with the suggestion that if we are going to fix the fiscal policy of our Nation, we ought to start by fixing our own House, and we ought to save some money for the taxpayers in terms of what we spend on the U.S. Senate.

I happen to cochair our Republican task force with my friend CONNIE MACK. We recommended that we take $200 million out of the Senate's expenditures out of the legislative budget. I am pleased to report that we were taken almost literally by the chairman. He saved $200.041 million. So if every subcommittee that was charged with reducing the expenditures of our Government looked to the budget resolution for its assumptions, or to what my friend, CONNIE MACK, looked to—it was a resolution by the Republicans to take $200 million out—if everybody did their jobs that well, this would be a pretty good year.

Frankly, I want to make one other point. I am not saying that the budget resolution assumption should be adopted by any committee because I understand the Budget Act said the appropriators will make the final decision. It also said on the entitlement, the committees that write the law change the law. If we do not start getting rid of some agencies of our Federal Government, some functions of the Government, some programs of the Government, we are just putting off for another year what is inevitable. It will just get worse, not better. Good programs will have to be reduced, rather than those that are marginal and perhaps not needed.

Why do I state that? Because in this appropriations bill, this subcommittee has succeeded in doing away with one of the many service organizations that help the U.S. Senate do its work. As I understand it, over a 2-year phase, we will eliminate what we recommended in our early resolutions to the subcommittee. We will be getting rid of one of those service organizations, is that not correct?

Mr. MACK. That is correct. I just say to the Senator that there probably will

be an amendment proposed later in the morning, or in the early afternoon, to restore the Office of Technology Assessment.

Again, we did take the direction from both the early resolution by our conference but also the budget resolution that said, if we are going to meet this target, we are going to have to make not only reductions, but we are going to have to eliminate some of the agencies, and we have done that. I thank the Senator for his help on that.

Mr. DOMENICI. Mr. President, I am not prejudging that vote. I am speaking to the bill as it currently is. I was a member of the appropriations committee that voted to sustain their work with reference to the service organization we say we should get rid of over 2 years. I hope that the U.S. Senate, every time we have an issue like this—and it will come up today—that we not always think how can we save it and make sure it is still around and look at it again.

Sooner or later, you have to make decisions that you do not need everything, everything in the budget, and that the Senate does not need everything that currently serves the Senate. If you do not start doing that, then I do not believe we have a lot of credibility. I do not believe the American people are going to buy it for a minute that we ought to be cutting other programs, and we cannot get rid of one organization that helps us do our job.

Sooner or later, we have to be examples, and it has to be real, not rhetoric. I commend the subcommittee and its chairman. I hope the debate will center around, can we really do with less and still do our jobs? I believe we can. I do not see any shortage of professional talent helping us around here, scientific or otherwise. We have so many groups of science institutions that can help us, I do not know that we need our own $22 million science service organization. That is what the issue will be.

I yield the floor and thank the chairman for his work and his ranking member for her diligent work.

AMENDMENT NO. 1803

(Purpose: Expressing the sense of the Senate that the 104th Congress should consider comprehensive campaign finance reform legislation)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. MCCAIN, Mrs. FEINSTEIN, Mr. JEFFORDS, Mr. WELLSTONE, Mr. BRADLEY, Mr. SIMON, Mr. BIDEN, Mr. LEAHY, Mr. AKAKA, and Mr. GRAHAM, proposes an amendment numbered 1803.

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

Mr. MACK. I object, Mr. President.

The PRESIDING OFFICER. The clerk will continue reading.

The bill clerk read as follows:

At the appropriate place, insert the following new section:

SEC. . CAMPAIGN FINANCE REFORM.

(a) FINDINGS.—

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

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

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . CAMPAIGN FINANCE REFORM.

(a) FINDINGS.—The Congress finds that—

(1) the current system of campaign finance has led to public perceptions that political contributions and their solicitation have unduly influenced the official conduct of elected officials;

(2) the failure to limit campaign expenditures in any way has caused individuals elected to the United States Senate to spend an increase portion of their time in office raising campaign funds, interfering with the ability of the Senate to carry out its constitutional responsibilities;

(3) the public faith and trust in Congress as an institution has eroded to dangerously low levels and public support for comprehensive congressional reforms is overwhelming; and

(4) reforming our election laws should be a high legislative priority of the 104th Congress.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that as soon as possible before the conclusion of the 104th Congress, the United States Senate should consider comprehensive campaign finance reform legislation that will increase the competitiveness and fairness of elections to the United States Senate.

AMENDMENT NO. 1804 TO AMENDMENT NO. 1803

(Purpose: To express the sense of the Senate in regard to the consideration of certain legislative issues)

Mr. MACK. 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 Florida [Mr. MACK], for Mr. MCCONNELL, proposes an amendment numbered 1804 to amendment No. 1803.

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

It is the sense of the Senate that before the conclusion of the 104th Congress, comprehensive welfare reform, food stamp reform, Medicare reform, Medicaid reform, superfund reform, wetlands reform, reauthorization of the Safe Drinking Water Act, reauthorization of the Endangered Species Act, immigration reform, Davis-Bacon reform, State Department reauthorization, Defense Department reauthorization, Bosnia arms embargo, foreign aid reauthorization, fiscal year 1996 and 1997 Agriculture appropriations, Commerce, Justice, State appropriations, Defense appropriations, District of Columbia appropriations, Energy and Water Development appropriations, Foreign Operations appropriations, Interior appropriations, Labor, Health and Human Services and Education appropriations,——

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

Mr. MACK. I object.

The PRESIDING OFFICER. The clerk will continue reading.

The bill clerk continued reading as follows:

Legislative Branch appropriations, Military Construction appropriations, Transportation appropriations, Treasury and Postal appropriations, and Veterans Affairs, Housing and Urban Development, and Independent Agencies appropriations, reauthorization of the Older Americans Act, reauthorization of the Individuals with Disabilities Education Act, health care reform, job training reform, child support enforcement reform, tax reform, and a ''Farm Bill'' should be considered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MACK. 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. MACK. Mr. President, I ask unanimous consent that Senator FEINGOLD be recognized to speak for up to 20 minutes on the pending amendment, No. 1803, to be followed by 20 minutes for debate prior to a motion to table under the control of Senator MCCAIN, and that following the conclusion or yielding back of time, Senator DOLE or his designee be recognized to make a motion to table the Feingold amendment, and that no further amendments be in order prior to the motion to table.

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

Mr. MACK. Mr. President, I further ask that once the motion to table is made, the amendment be laid aside until 2:30 in order to consider other amendments.

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

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I thank the Chair. I thank the Senator from Florida for his cooperation. I am working on an agreement on this amendment.

I have offered this amendment today concerning the need for campaign finance reform because I firmly believe that there is a broad majority of Senators on both sides of the aisle who believe our campaign finance laws are in need of significant repair.

My resolution asks the Members of the U.S. Senate whether they believe we have a seriously flawed system of campaign financing and whether they believe we should consider changing it during the 104th Congress.

It is a simple proposition, but I think it is a very important one. I could not be more delighted that this resolution has bipartisan support in its cosponsorship. It includes the Senator from Arizona [Mr. MCCAIN], the Senator from California [Mrs. FEINSTEIN], the Senator from Vermont [Mr. JEFFORDS], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Illinois [Mr. SIMON], the Senator from Vermont

[Mr. LEAHY], the Senator from New Jersey [Mr. BRADLEY], the Senator from Delaware [Mr. BIDEN], the Senator from Florida [Mr. GRAHAM], and the Senator from Hawaii [Mr. AKAKA].

Mr. President, this resolution does not propose any specific reforms. It does not mention spending limits or public financing or PAC contributions or any of the other proposals that have been connected in the past with campaign finance. It merely says that sometime during the next year and a half this Chamber should consider legislation that will restore a greater degree of fairness and competitiveness to the elections that are involved to elect people to the Senate.

Why is this necessary? It seemed that significant campaign finance reform was going to be achieved in the 103d Congress. Unfortunately, the effort fell apart as House and Senate negotiators were unable to bridge their differences. I am the first to say there was blame on the part of both parties for this falling apart, but I am offering this resolution today because there has not been any sort of indication that the Senate will be considering this issue either this year or next year. It is not even mentioned in the Republican contract. It is not on the majority leader's list of items we need to do before the August recess. I am afraid that it might not even be on the list of the things we need to do before the turn of the century if we do not pass some kind of resolution.

It is clear that the campaign spending in our political system is spiraling out of control. The FEC recently released some startling numbers with respect to the level of spending in the 1994 elections. According to the FEC, the 1994 elections were the most expensive in history, sporting a price tag of $724 million. That is a 62-percent increase—Mr. President, a 62-percent increase—from aggregate spending just 4 years earlier in 1990.

The effect of this escalation in spending to me is a sort of politics of exclusion as it becomes increasingly difficult for average working Americans to run for public office. It is very distressing that candidates are first and foremost judged on their fundraising ability and their personal wealth rather than their merits as candidates. I think most of us would agree that the democratic political system should encourage individuals to run for elective office but that is not what our current system does.

If anything, the current system sends a message that political campaigns are expressly reserved for the very few who have the ability to do what the current system requires of them to run an effective campaign, and we all know it. The message we get is that if you cannot raise and spend millions of dollars, you are not really an effective or viable candidate.

If you are a powerful member of the Senate Appropriations Committee, as was my opponent in 1992, and you have the ability to raise nearly $6 million for a campaign, then the current system, of course, accommodates you. If you are independently wealthy and if you decide you would like to use your wealth to run for elective office, as the current trend seems to me, then the current system also accommodates you.

If you are a schoolteacher and serve part time in the city council and decide you would like to run for the U.S. Senate, then the current system tells you that based on your income level, employment status, and other such factors, you are automatically a long-shot candidate. Your positions on the issues are at best secondary. Your experience as a teacher and your record on the city council is secondary. Why? Because you lack substantial campaign funds, or a war chest as it is called now, that will inhibit you from getting your message across to a statewide electorate. This makes you a long shot, and the thought of not running at all has to cross your mind.

This has to change. Unfortunately, despite the nearly universal agreement that something needs to be done to curtail campaign spending and improve the election process, time and time again Congress fails to pass the needed legislation. So I offer this resolution today because there needs to be, first of all, a clear statement that campaign finance reform should be on the agenda for this Congress. It is not even mentioned, as I said before, in the Republican contract, and we need to figure out a way to get it onto the agenda.

The only effort that has been made in the whole Congress this session on campaign finance reform was to take away the campaign finance system we have that has helped make Presidential elections more fair. Thankfully, we defeated that effort, and we did it on a bipartisan vote. It is now time to refocus our efforts on fixing the congressional system and to find answers to a disturbing question. That is, how, Mr. President, can we expect ordinary Americans to run for elected office when the price tag is literally, literally millions of dollars and the costs escalated at a rate of over 60 percent in the past 4 years?

I know recently there was a handshake between the Speaker of the other body and the President about a commission. I noticed there was no Member of this body who was a party to that agreement, so it did not terribly impress me in part for that reason. But the Speaker recently just backed off of that anyway, so let us not assume that any sort of commission will even be created let alone believe that it will make a difference.

There is no reason at all for this body not to move forward on this. We cannot pretend that this is not a pressing problem, and we cannot pretend that we do not know how to deal with it. Congress has to demonstrate to the American people that it can act responsibly and decisively and that it can approach this problem in a bipartisan manner.

On another front, Mr. President, the set of figures recently released by the FEC gives us some telling data, surprising data. For example, contributions by political action committees to all congressional candidates back in 1990 totaled $149 million. Now, this went up slightly in 1992 to $178 million but stayed in 1994 at $178 million. So, Mr. President, PAC contributions, even though many people would like to see them eliminated, have been fairly level over the past three election cycles.

On the other hand, and this is what really shocked me, contributions and loans from candidates themselves—in other words, those who contribute to their own campaigns—increased at a rate of 37 percent from the 1992 level. So personal contributions to your own campaign is now sort of the new growth industry in the area of campaign financing.

That means the greatest increase in campaign financing comes from candidates that finance themselves. That translates into an electoral system tailored only for those who either have access to a large base of campaign contributors or another group, those who have the personal wealth and means to afford an expensive political campaign. Either way, again, the schoolteacher that serves on the city council is becoming increasingly less likely to have any chance at all of seeking this office and attaining it.

Mr. President, not too long ago, I heard one of the candidates for President, the Senator from Texas, say something that I found kind of fascinating. Announcing his bid for the Republican nomination to the White House in 1996, the Senator from Texas stated that he had the most reliable friend you can have in American politics, and that is ready money.

There was a time when the most reliable friend you could have in politics was a strong record on the issues, substantial grassroots support, or maybe even the endorsement of a large newspaper in your State. But a candidate for the Presidency has indicated that he may be the best candidate in 1996 not because of his stance on the issues, not because of his popularity with the voters in his party, but because he has the most money, or at least did at that time, of the eligible candidates.

Those remarks are simply an accurate portrayal of what our election system has become. It is not so much about your stance on the issues or the speeches you give on the campaign trail or even the countless volunteers that the Senator from Minnesota and I remember so well from our campaigns who usually sit in unairconditioned offices all day stuffing envelopes for you.

Sadly enough, our election system has become all about money—who has it, who can raise the most, and who can spend the most. It is no longer one person, one vote. It is more $1, one vote, or $1 million, 1 million votes.

I was a supporter last year of S. 3, the campaign finance reform bill, and that bill was filibustered. I did not believe that it was a perfect bill, but on balance I believe it represented a substantial improvement over the current system and it clearly would have installed a level of fairness back into our campaign system.

On the first day of the 104th Congress, I introduced S. 46, another attempt to try to reform our campaign system. I do not hold out any false hopes that my bill will become law in the near future. That is why I am certainly willing to compromise on this issue and to work with my colleagues on both sides of the aisle to write a bill that will somehow get us off the road we are on of further protecting incumbents and encouraging multimillion dollar campaigns.

I do, however, in working with the Senator from Arizona, who has been a tremendous partner in this issue, believe that certain principles have to be included. A good bill has to provide incentives to keep campaign spending down to a reasonable level, and it has to provide some sort of assistance to legitimate but underfunded challengers, so that our elections will indeed be competitive and fair. I also want to see candidates raise more of their funds in their own home States rather than constantly crisscrossing the country looking for funding from the west to the east coast.

Mr. President, for the past several months, the Senate has been diverting almost all of its attention to the Republican Contract With America. This was the campaign that said, ''Put us in power and we will change the way Washington does business.'' But it is disappointing again that this subject has not really come up. How can you change ''business as usual'' without suggesting that we need to change the outrageous degree of fundraising, the disproportionate influence of out-of-State special interests, and the lack of competitive challengers to well-placed incumbents?

Though it was not part of the contract, I know there are Members on the other side of the aisle who truly are committed to comprehensive campaign finance reform. And I continue to believe that we can have a bipartisan reform bill. In fact, Mr. President, just look at very recent history. We have had statements by the Senator from Kentucky indicating:

> The 102nd Congress is faced with many challenges, not the least of which is ensuring the credibility of this institution and the electoral process of our Nation. To that end I [Senator McConnell], along with the Senate Republican leader, Senator Dole . . . am introducing the Comprehensive Campaign Finance Reform Act. This bill is the most sweeping legislation ever put forth on this issue. [This reform act] would restore integrity and competitiveness to our electoral process while preserving constitutional rights and our 200-year-old democratic freedoms.

That is from January 1991, by the Senator from Kentucky.

More recently, in January 1993, the now majority leader stated:

> Just as Congress needs reforming, so, too, does the way in which you are elected to Congress. And today, as we have done before, Senate Republicans will be introducing legislation to reform our campaign finance system. . . .
>
> Again, this is an area in which I think we are going to need bipartisan effort if we are to have a meaningful campaign finance reform bill. . . .
>
> So I hope that we can maybe impose some deadline—30, 60 days—for Democrats and Republicans to work out a bipartisan package.

The majority leader then went on to say:

> If ever there was an issue that cried out for bipartisan cooperation, it is campaign finance. Senator Boren of Oklahoma and Senator McConnell of Kentucky are this Chamber's acknowledged campaign finance reform experts. Perhaps if Senator Mitchell and I gave them 30 days to get together and hammer out a comprehensive reform proposal, they would succeed.

And, finally, Mr. President, simply a copy of the front page of S. 7, which is the legislation by the majority leader and many other Members on the other side of the aisle calling for Federal campaign finance reform.

So it is clear that the other side is on record in favor of doing this.

Let me simply reserve the remainder of my time at this point and say that this is the amendment which we worked, on a bipartisan basis, to put together that can at least start us on the real road to campaign finance reform, not just a resolution, not just a commission, but a true bipartisan effort that I hope will bear fruit.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator has 6 minutes 8 seconds.

Mr. FEINGOLD. I yield 5 minutes to the Senator—may I withhold?

Mr. McCAIN. Will the gentlemen yield 3 minutes to me?

The PRESIDING OFFICER. The Senator from Arizona has 20 minutes under the unanimous-consent agreement.

Mr. McCAIN. OK.

Mr. FEINGOLD. I yield the floor.

Mr. McCAIN. Mr. President, I yield myself whatever time I may consume.

While my friend from Florida is here, I want to talk about two aspects of this situation. One is what just transpired that brought us to this time agreement. As my colleague from Florida knows, I served 12 years in both the House and the Senate in the minority status. And one of the things that frustrated me enormously as a member of the minority was that I was unable to get issues that were important to me and my constituents before this body.

I will say that the previous majority leader on the other side of the aisle, on numerous occasions I went to Senator Mitchell and said, ''Senator Mitchell, I want a vote on this issue. I'll be glad to agree to a time agreement. I will be glad to have whatever parameters you decide so as not to interfere with the functioning of this body.'' I will tell you, Mr. President, Senator Mitchell always granted me that vote.

For us to start in with parliamentary maneuvering not allowing people who have a reasonable amendment with an agreement for a reasonable time frame, I think is a betrayal, frankly, of what we were seeking over the last 12 years in my experience in the minority. The Senator from Wisconsin spent all day yesterday on the floor waiting to be recognized. The Senator from Wisconsin was willing to have a reasonable time agreement so he could get a simple sense-of-the-Senate resolution before this body with an up-or-down vote on it or a tabling motion.

Now, it seems to me—it seems to me—that if we are going to conduct business around here with comity, if someone has a reasonable request—a reasonable request—we should grant that request. Now, this was a sense-of-the-Senate resolution about a strongly held view by the Senator from Wisconsin. And I hope in the future we can avoid this kind of thing and sit down and say, OK, what will the arrangements be? If not today, next week or next month or even next year. But filling up the tree with parliamentary maneuvering, I think, is beneath us.

I want to make one additional point, Mr. President, if I may. Campaign finance reform is something that the American people want. In 1994 the American people said, ''We do not like the way you do business in Washington. We do not like the way you do business.'' And they also said, ''We do not like the way you get there.'' I know, that message was clear. And I am confident, because I believe in representative government, Mr. President, that sooner or later we will address this issue, because it is the will of the people. They do not like what is going on. Now we may make it worse, I do not know. I think we can make it better. But no average citizen in America believes that the system under which we elect Presidents of the United States and the system under which we elect representatives to Congress is a fair and equitable system, because of the role that money plays in these campaigns.

If I could just, as an aside, say to my friend from Wisconsin—just an aside—if he is going to quote Republicans now, it would be fair if he quoted the latest deal that people can have that the Democratic National Committee gave if you want to have breakfast with the President or meetings with the President, all those good deals. Let us put some balance in this now. Let us not make it a partisan issue. There are egregious activities on both sides on this issue.

But getting back to the fundamental point, I do not believe, Mr. President, that 1 or 2 or 5 or 10 Senators will be able to block the will of the American people.

Now, what the Senator from Wisconsin and I are seeking to do is set forth

a framework, which we will be introducing this week, for campaign finance reform that has the fundamental elements that we believe are the will of the American people. We want to engage in a debate. We want—it is not a perfect document—we want to engage in the kind of consensus building that will lead us to a fundamental reform of the system that most Americans think is broken. And I think we have that obligation. I would like to work with all of my colleagues and any of them on this issue. But I greatly fear that unless we do this, unless we embark on this very difficult effort, the American people will lose further confidence in us and their system of government and the way we select our leaders, whether it be a Presidential campaign or any other.

So, I think it is an important issue, and I think the Senator from Wisconsin had the right to see at least what the will of the Senate is here. Maybe his motion will be tabled. I do not know. But the fact is that we need to get about addressing this issue, and we proved in the last few years that we cannot do it on a partisan basis. It has to be on a nonpartisan basis.

Mr. President, I thank my colleagues and I want to thank whoever worked out the agreement for this time agreement and the tabling motion to give the Senator from Wisconsin an opportunity to get a vote on this issue as to what the will of the Senate is.

Mr. FEINGOLD. Will the Senator from Arizona yield for a question?

Mr. McCAIN. Yes; I will be glad to yield to the Senator from Wisconsin.

Mr. FEINGOLD. Let me, first of all, ask the question and say that I fully agree with the Senator from Arizona that it certainly would not be accurate to assign to only one party the blame on this issue. In fact, in my comments I indicated that this thing went down last session not just because of a Republican filibuster but also, I think, because of substantial Democratic opposition in the other body. That has to be said. There have been many different analyses of what happened on November 8, but I ask the Senator from Arizona if he does not think in part the problem of the Democrats had to do with the failure to reform this system when they were in control?

Mr. McCAIN. I agree with my colleague on that. But I also think there is no doubt that on both sides of the aisle there was such a strong preference for the status quo that clearly the issue was not given the priority that it deserved, which I think was the primary reason for its failure. I will say, it was a bipartisan failure as well.

Mr. President, I reserve the remainder of my time.

Mr. FEINGOLD. Mr. President, I will take a moment of my time. I want to comment, in light of the comments of the Senator from Arizona. I have only been here 2½ years, but I have never seen a greater demonstration of bipartisanship and courage as I have seen on the part of the Senator from Arizona in his willingness to try to make sure a Member of the minority party and himself have an opportunity to raise an issue of this kind.

That is exactly the kind of conduct that the American people have been crying out for, and it has been a tremendous experience for me to know that in this body, that people assume is so partisan, that these kinds of experiences do and can occur.

So I want to thank him at this point, and I look forward to working with him on this issue.

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

Mr. FEINGOLD. I do yield and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. FEINGOLD. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 5 minutes 20 seconds.

Mr. FEINGOLD. I yield 4 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota has 4 minutes.

Mr. WELLSTONE. Mr. President, I am very pleased to be an original cosponsor of this amendment with the Senator from Wisconsin and the Senator from Arizona. As I understand the amendment, it really says nothing more than we should, during this Congress, take up this issue of campaign finance reform. It is an extremely reasonable amendment, one I think that should engender the support of Democrats and Republicans.

A very good friend of mine who is going to be leaving the Senate, PAUL SIMON, wrote a book not too long ago, and I had a chance to read a rough draft. The first chapter was on campaign finance reform. I said to the Senator, ''That should have been the first chapter, because this is really the root issue.''

I think it is the root issue and really the root problem for several reasons. I only have 4 minutes today, but we will be coming back to this over and over again, because I think we are going to insist on this reform during this Congress.

First of all, it is a root issue, Mr. President, because I think, in a way, this mix of money and politics, which really becomes the imperative of American politics, if you will, this money chase, it undercuts democracy and it undercuts democracy for two reasons.

First of all, it undercuts the very idea that each person in Colorado, Minnesota, Washington, or Florida should count as one and no more than one, because that is not really what is going on any longer to the extent that big money has such a dominant influence in politics.

Second of all, it undercuts democracy because it represents corruption, but not the corruption of individual officeholders, but rather a more systemic type of corruption where too few people have too much wealth and power. That is what is skeptical, cynical about public affairs, and all of us, Republicans and Democrats alike, have the strongest possible self-interest in having your citizens really believing in politics and public affairs. But when people see this influence of money, they become very cynical.

Mr. President, it also has a lot to do, unfortunately, with representation or lack of representation. I remember during the telecommunications bill—and I am not trying to pick on any group of people—but the reception room was packed with people. Some people just march on Washington every day, they are lobbyists or others, they represent a lot of big money, they make big campaign contributions.

I have to say, when we talk about low-income energy assistance, which I think we will be talking about, cuts in low-income energy assistance or nutrition programs for children, whatever, you never see that mix of money and politics. Those citizens are just as much citizens as any group of citizens having the same representation. I think something is terribly wrong.

So, Mr. President, I have introduced bills in the past, I have introduced a bill this Congress, offered amendments, and have given enough speeches about the need for campaign finance reform. I say to the Senator from Wisconsin, I am proud to be part of this effort. I think we ought to pass this bill, and we ought to pass it this Congress. I think it is the strongest and most important thing we can do.

I also have to tell you, Mr. President, that from my own point of view—Mr. President, how much more time do I have?

The PRESIDING OFFICER. The Senator has 20 seconds.

Mr. FEINGOLD. May I intervene here to say to the Senator from Minnesota, if he will yield for a moment, the Senator from Arizona has some additional time which he has indicated he will be willing to yield to the Senator from Minnesota, if the Senator wants more time.

Mr. WELLSTONE. I thank the Senator from Wisconsin. I think probably 5 minutes more will be fine.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that 5 minutes of the time of the Senator from Arizona be given to the Senator from Minnesota.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Minnesota has 5 minutes of the time of the Senator from Arizona.

Mr. WELLSTONE. I thank the Senator from Wisconsin.

I say to my colleague from Wisconsin, I view all of these reform efforts—the gift ban and lobbying disclosure, which we take up on Monday, and the campaign finance reform—to be just critical measures, because I think people have to believe in this process or they are not going to believe in the products of this process.

I think people feel that politics has become a game they cannot play. I think people feel like this is a political process that does not represent them well. I think people feel like only a few people are well represented in politics.

We have to make our political process more accountable, more honest, more open, with more integrity, and I cannot think of a better way to do it than to take strong action and pass a comprehensive gift ban and lobbying disclosure bill next week—I know we are going to have spirited, long, hard, tough debate about that—and, in addition, pass this campaign finance reform bill sometime this Congress. Again, the only thing this amendment says is we should take this up.

Mr. President, I will make one final point. I am now up for reelection. I was so hoping we could pass a campaign finance reform bill. I absolutely hate the system and the way in which we have to raise money. I think almost every single Senator does.

I said in Minnesota, and for several years, I will only raise $100; if nothing changed, I will have to raise money to run against other people. With all the ads on TV, communications becomes the weapon of electoral conflict and all of us end up having to do that.

But, quite frankly, all of us ought to get together in a bipartisan way once and for all to pass a reform bill that really would, I think, make this political system operate in a much more effective way, not just for Democrats and not just for Republicans, but for all the people in this country. I think that is critically important.

We have gone through this debate before and, quite often, any time there is any kind of campaign finance reform bill, people say, even if there is a minimum amount of public money—maybe we can do without any—even if there is a minimum amount, people say this is food stamps for politicians.

It is not. The elections do not belong to the politicians, they belong to the people back in our States. I think the Senator from Arizona is absolutely on the mark when he says that one of the strong messages that has come from people—it came in the 1990 election in Minnesota; it came in the 1992 election the Senator from Wisconsin was involved in; and the 1994 election—is people want to see change, people want to see reform.

So, Mr. President, I hope that all of my colleagues will vote for this amendment. This amendment just says we make a commitment to bring this question up. We make a commitment, Democrats and Republicans together, to introduce a bill and to pass this legislation. I think this amendment ought to receive 100 votes because, quite frankly, I think that is the sacred trust we have of people in our country. They want us to make this change. They want more democracy, not less. They want more opportunities for people to run for office. They want more openness in the political process. They yearn for a political process they can believe in. What better thing could we do than to take up campaign finance reform, along with gift ban and lobbying disclosure, and pass a reform bill of which all of us can be proud.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I ask unanimous consent that I may be yielded such time as I may require, on the time of the Senator from Arizona.

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

Mr. FEINGOLD. Mr. President, I thank the Senator from Minnesota. He and I have worked together on many issues. We sat down, as he indicated, in the beginning of this Congress and listed a couple of our top priorities of what we would like to see happen here. At the very top of the list was our shared belief that if there is anything that needs to be changed in this country, it is the way we finance campaigns. Three Members of this body, including the Senator from Minnesota, myself, and the Senator from Washington, Senator MURRAY, did get elected even though we were not Members of Congress and were not personally wealthy. But we all know we are the exceptions to the rule.

Mr. WELLSTONE. How does the Senator know that I am not personally wealthy?

Mr. FEINGOLD. I saw the recent reports on the Members of the Senate. You were not high on the list. I regret to say that neither was I.

Mr. WELLSTONE. I stand corrected.

Mr. FEINGOLD. We all had campaigns that people watched. Do you know why? Because we were not supposed to win, because of big money. Even though we happen to be sitting here and it is a wonderful thing to have this opportunity, there are thousands and thousands of Americans as well qualified as any one of us who decided not to get into the fray because of the money, because of the absolutely daunting nature of the amount of money that is required to run for the U.S. Senate.

Mrs. MURRAY. Will the Senator yield?

Mr. FEINGOLD. Yes.

Mrs. MURRAY. I compliment the Senator on his amendment that comes before us today and for his perseverance on this critically important topic of campaign finance reform.

Let me just say that I agree with you. We need more people running for office in this country. We need the best and the brightest. It is indeed a sad note that people decide not to run, not to be here, simply because the daunting task of raising millions of dollars overwhelms them. That is not, to me, what this country is about or what democracy is about.

Until we reform the campaign finance laws and level the playing field, we are not going to get back to a point that allows everyone to be here and to speak out on the important issues of the day. I commend the Senator for the amendment, and I urge its adoption.

Mr. FEINGOLD. I thank the Senator. As I look at Senator MURRAY and the Senator from Minnesota, I know we were all serious candidates. But we know that among the things that got attention were things like Senator MURRAY's tennis shoes and I had a blue van with an Elvis Presley ''endorsement.'' The Senator from Minnesota had a green bus. I think those were fine and they had to do with a serious process that was connected with it. I do not think it should be necessary for somebody to just happen to hit the right moment and right sense of the people in their State. We ought to be able to get our message out with fairness and equality.

As I look at the Senators, I want to compliment the Senator from Washington in helping us get this agreement. She is trying to get this appropriations bill approved. She is managing it for the Democratic side. We did want to get this on other bills, as we indicated. We thought there were perhaps slightly more appropriate vehicles, such as the telecommunications bill. This is where you get the daunting nature of the task and the discouragement of candidates. If you look at the contributions in the report of Common Cause on the telecommunications bill, among the levels of contributions to Members of this body from groups involved with that bill, one Senator received $273,000. Many others received in the one hundred ninety thousands and in the one hundred seventy thousands. There are over 20 people who got over $100,000 in campaign contributions in connection with that issue.

We thought that would be a good bill to do it on, but people urged us to let that bill alone. Now the regulatory reform bill—that is the one on which I spent a lot of time here trying to attach it to. I heard one Senator in this body say that in the 23 years he has been here, he has never seen the business community more unified on an issue. That is sort of good news and bad news. Of course, we all want to be probusiness when we can, but when you have complete unanimity in the business community, I think sometimes you have to take a look at the other side, and what people who might be affected by it would do. The report of Public Citizen, again, shows enormous levels of contributions, Senators receiving over $300,000 in contributions from the interests in that issue, and many others in the $200,000 or $100,000 category. That is just an interest relating to that one particular bill. So we decided to use this bill as a vehicle to make this simple statement. I believe, Mr. President, that this is the beginning.

People often say, what is the point of a sense-of-the-Senate resolution? Well, what we are trying to do, as the Senator from Arizona knows, is to try to take the first step. You have to take

the first step, which is to get everybody on record either for or against the concept of campaign finance reform. It is regrettable that we are a quarter of the way through the 104th Congress and we have not even taken that first step.

But I hope today, when the tabling motion is made, that the Members consider what the view of the people of this country is. I am confident that whether you are Republican or Democrat, the American people are generally disgusted with the way these campaigns are financed. Perhaps the California Senate race was the most extreme example. When you tell someone that a person spent $28 million of his own money trying to get elected to the U.S. Senate, they really wonder whether they have anything to do with the process at all anymore. How can they possibly even dream of running for the U.S. Senate if that is the kind of ante that is required?

So, Mr. President, I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. Who yields time?

The Chair informs the Senator from Wisconsin that he has 2 minutes 55 seconds remaining.

Mr. FEINGOLD. Mr. President, I yield back the remainder of my time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DOLE. Mr. President, I have listened to the debate on this issue. The debate has not changed. I came to the conclusion years ago that we are never going to get campaign finance reform if we leave it up to the two parties, because there is always the case that the party in the majority will obviously try to fix it to suit them and make it a little better for the majority than members of the minority.

That has been true in the past, and I assume it will be true today. In fact, I suggested a number of times that we have a commission of outsiders with no ax to grind to take a look at campaign finance reform. I guess that is pretty much what Speaker GINGRICH and President Clinton suggested to each other up in New Hampshire.

In any event, it seems to me that with all the things we have yet to do in this Congress, and certainly campaign finance reform is important, we have regulatory reform right now. It means a lot more to most families than campaign finance reform. It costs each family about $6,000 per year, and we are about 2 votes short of getting 60 votes to move on regulatory reform. It is much more important than campaign finance reform. We are taking money out of someone's pocket. They may not care a thing about politics and never contributed a nickel to anyone. We cannot do that, because we cannot get the votes on the other side.

We have welfare reform to take up. It will take a long time. I just suggest that this may be a matter of great priority with a few Members of the Senate. It does affect all Members. We can all reach down and find some horror stories.

In fact, we could go to the White House if we had $100,000—I think that is the going rate to do business with the President—$100,000. They have different packages for different people of different economic circumstances. That does raise eyebrows, when people say, ''I have to see the President. It is $100,000''—I guess that is per couple. That is only $50,000 apiece.

Maybe that is what the people have in mind here. I assume this would apply to the executive branch as well as the Congress. There are excesses. There are people who get elected without a lot of money. I am finding out right now in the Presidential race, the worst part of the job is trying to raise the money. I do not ask people for money. I will not call people. I will not make telephone calls. I do not like to do that. I do not mind somebody else asking, but I do not like to ask.

In any event, this may have some merit, but with all the other things we have on our plate, and with part of the August recess already slipping away, I know this says ''by the end of the 104th Congress,'' and it seems to me that it will be even more difficult next year because then we are in an election year, when everybody wants to be involved in politics, politics becomes the focus of a lot of people.

Mr. President I move to table the underlying amendment, No. 1803, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, amendment No. 1803 is set aside until 2:30 p.m. today

Mr. DOLE. Mr. President, I will just conclude, we are making some progress. I think the American people are probably happy that now the laws we impose on them also apply to Congress. We have done that this year. That was a big step in the right direction. It probably means we will not pass so many crazy laws because they now also apply to Congress.

On Monday, we will take up gift ban reform and lobbying reform. We will overhaul that. We are also considering a constitutional amendment later on this year to limit terms of Members of the House and the Senate.

It is not that we are not aware that some of these things, I think, cry out for action. We are addressing more, in this first year, than we have addressed in the years past. We will continue to try to make improvements, so that the American people understand that. But I think also we need to keep our eye on the ball. A lot of these other issues do not mean a great deal to the American people, too.

AMENDMENT NO. 1805

(Purpose: To stop the practice of hiring elevator operators for automatic elevators)

Mr. BROWN. Mr. President, I rise to offer an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN], proposes an amendment numbered 1805.

The amendment is as follows:

On page 3, line 26, add at the end the following, ''The account for the Office of Sergeant at Arms and Doorkeeper is reduced by $10,000, provided that there shall be no new elevator operators hired to operate automatic elevators.

Mr. BROWN. Mr. President, this budget that is brought to the floor, I think, deserves commendation of all of the Members. This is an extraordinary departure from past policies. It involves literally a 16-percent cut that the President had requested for funding for Congress, and virtually a 9-percent real cut, actually a little over that, 9.13-percent real cut, over what we spent in the past year.

I am not aware of any Congress that has taken such dramatic action in the history of our country, to reduce its expenditures. Certainly in terms of dollars that have been cut from the budget, this has to be the all-time record winner. I think the distinguished chairman and the ranking member deserve a great deal of credit for bringing this kind of proposal to the floor.

It reflects a sincere and real interest in coping with some of our problems with regard to the budget. It does it in a very important way. It does it by setting an example.

It not only talks about reducing spending, but it proposes a budget for the Senate itself that reduces spending. That, I think, is the critical key element, if we are to have credibility in trying to deal with our budget problems. It is no secret to anyone here that this country has the biggest deficit of any nation in the world. It is no secret here that this country has the biggest trade deficit of any nation in the world. It is no secret here that we have one of the lowest savings rates of any major industrialized country in the world.

The American people believe it is long past time we ought to face up to these problems. So this budget that is for the Senate itself sends an important message. It sends an important message, not because we are the biggest part of Federal spending, it sends a very important message because we set an example. You cannot say one thing and do another, and that is what has been the problem with so many past Congresses. They talked about deficit reduction, but each year they increased spending and they increased spending on themselves.

So I look at this budget with great admiration for the fine people who spent long hours to try to find real savings, and they have done it.

There is one item that I think deserves attention and it is included in the amendment that I brought forward. It does not call for the dismissal of any elevator operators, but it does suggest that we should not hire new ones. As elevator operators on the automatic elevators retire, this measure contemplates that we would not replace them. I think it is important. Some will say, ''Oh, come on,'' but I believe it is very important because we have to set an example. If our efforts to deal with the deficit are to have any credibility at all, we have to be willing in our own House to set the example.

How do the American people respond when they hear we hire elevator operators to operate automatic elevators? I will tell you, real people think it is nuts. Real people, who work for a living every day, real people who have to pay the tax bills every day, think it is ludicrous for us to have people push the buttons for us.

Over the years I have heard almost every kind of excuse for hiring patronage employees to operate the elevators. I must tell you, it is my perception the major reason this phenomenon occurs is, first, because people did it in the past, and, second, because many of these positions are patronage.

Over the years, I have heard people talk about how critical it was to get here on time for votes and that having the elevator operators was a key element in that. I have no doubt that the people who say that are sincere. I must tell you, I think it is bunk. If people want to get here for votes on time, they come. We do not have elevator operators in the office buildings. We do have elevator operators on the elevators reserved for Senators, and that may be a different question for a different day. But those seem to operate just fine.

I have every confidence that every Member of the Senate is capable of pushing the buttons to move the elevator from the bottom floor to the second floor in order to arrive here in time for votes. I have every confidence they are able to push the button from the second floor, to push the B button to get down to the basement. To suggest Members of this body cannot move through the elevators without elevator operators on automatic elevators is absurd.

But more important, there is a very important point that Members should consider with this. If we are not willing to eliminate elevator operators on automatic elevators, what kind of confidence can this country have if we are going to deal with $200 billion to $300 billion deficits? What kind of belief can they have that we are going to stick with a budget plan that lasts 7 years? If we are not willing to make even a modicum of effort to control spending in our own house, on an item as frivolous as this, how can they believe that we intend to reduce the deficit by hundreds of billions of dollars? The answer is they will not. And the answer is, it is important Americans believe that we have a new Government and new commitment and a new willingness to deal with problems.

Is this a small item? Of course it is. But the symbolism is terribly important.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida, [Mr. MACK].

Mr. MACK. Mr. President, the Senator from Colorado has gained a tremendous reputation over the years for his efforts to reduce Federal spending, and I compliment him on that. I was interested in his comments about having ''every confidence that Members can push the buttons on the automatic elevators.'' That was an unquestioned level of confidence. It has been a long time since I have heard that level of confidence in our colleagues. But I accept that comment.

I would say to the Senator, I am prepared to accept the amendment but it does, in fact, go counter to the approach that the committee has taken with respect to reducing the expenditures of the Federal Government, particularly the Congress, the legislative branch. We had a very significant request, if you will, or directive given to us, to reduce the legislative branch budget by over $200 million, which, in fact, we have accomplished with about $41,000 to spare. We accomplished that, however, not by having the committee try to find every item throughout the legislative branch that any of us, or either of us, thought was important to cut. I will say to my friend and colleague that I think it is more important that we give a direction, or a directive, to the individuals responsible for the various functions of the legislative branch, indicating to them what we think they should do as far as a total is concerned, and ask them to, in essence, make the best judgment about how to reach that goal. I believe with our having taken that approach, we have been successful in our effort.

The Sergeant at Arms was given a directive of a reduction of 12.5 percent. The Sergeant at Arms came back with a little bit over 14 percent, and should be complimented for that achievement.

But as I indicated a moment ago, even though I have a different approach in bringing about significant reductions to the legislative branch, I am prepared to accept the amendment.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, I would be remiss if I did not note that our new Sergeant at Arms has done a very admirable job. He has already cut the number of elevator operators from 20 to 10, and saved over $118,000 in this fiscal year. So I would not want a moment to pass without recognizing what I think is a very dramatic change in policy by the new Sergeant at Arms. I think this amendment will help affirm that very significant effort.

The PRESIDING OFFICER. Is there further debate? The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I, too, will not object to accepting this amendment. Let me just add, I concur with the manager of the amendment, Senator MACK, who I think has done an outstanding job working with the different departments. The Sergeant at Arms did come back with a 14.5-percent cut. They are definitely going to be looking at how they can do that in the coming months when we will see the effect of that. It is, I think, difficult for us to micromanage them from this point, but I am willing to accept this amendment.

Let me at this point say, in doing so, I also want to send my compliments to our current elevator operators, whom I think many of us do not take the time to say ''thank you'' to so often. They are always kind and courteous and efficient. I appreciate the fact that they find me in the crowds. I know that is not a problem that some of the other Members have.

But they are always here, they are always smiling, they are on time. I think oftentimes when we have amendments like that, it is seen as a slam on some people who are doing a very efficient job, and, I think, one that we do not say ''thank you'' for, often enough.

So let me take this opportunity to thank them for the job that they do for all of us.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1805) was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1806

(Purpose: Expressing the sense of the Senate regarding war crimes in the Balkans)

Mr. SPECTER. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

Mr. SPECTER. Mr. President, I ask that it be modified to be put in the form of an amendment to the pending bill.

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

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 1806.

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

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

The amendment is as follows:

At the appropriate place insert the following new section:

SEC. . (a) FINDINGS.—The Congress finds that—

(1) war and human tragedy have reigned in the Balkans since January 1991;

(2) the conflict has occasioned the most horrendous war crimes since Nazi Germany and the Third Reich's death camps;

(3) these war crimes have been characterized by ''ethnic cleansing'', summary executions, torture, forcible displacement, massive and systematic rape, and attacks on medical and relief personnel committed mostly by Bosnian Serb military, para-military, and police forces;

(4) more than 200,000 people, mostly Bosnian Muslims, have been killed or are missing, 2.2 million are refugees, and another 1.8 million have been displaced in Bosnia;

(5) the final report of the Commission of Experts on War Crimes in the Former Yugoslavia, submitted to the United Nations Security Council on May 31, 1995, documents more than 3500 pages of detailed evidence of war crimes committed in Bosnia;

(6) the decisions of the United Nations Security Council have been disregarded with impunity;

(7) Bosnian Serb forces have hindered humanitarian and relief efforts by the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, and other relief efforts;

(8) Bosnian Serb forces have incessantly shelled relief outposts, hospitals, and Bosnian population centers;

(9) the rampage of violence and suffering in Bosnia and Herzegovina continues unchecked and the Untied Nations and NATO remain unable or willing to stop it; and

(10) the feeble reaction to the Bosnian tragedy is sending a message to the world that barbaric warfare and inhumanity is to be rewarded: Now, therefore, be it

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate hereby—

(1) condemns the war crimes and crimes against humanity committed by all sides to the conflict in the Balkans, particularly the Bosnian Serbs; and

(2) condemns the policies and actions of Bosnian Serb President Radovan Karadzic and Bosnian Serb military commander Ratko Mladic and urges the Special Prosecutor of the International Criminal Tribunal for the Former Yugoslavia to expedite the review of evidence for their indictment for such crimes.

(3) It is the sense of the Senate that the Special Prosecutor for the International Criminal Tribunal for the Former Yugoslavia should investigate the recent and ongoing violations of international humanitarian law in Bosnia and Herzegovina.

(4) The Senate urges the President to make all information, including intelligence information, on war crimes and war criminals available to the International Criminal Tribunal for the Former Yugoslavia.

(5) It is the sense of the Senate that the President should not terminate economic sanctions, or cooperate in the termination of such sanctions, against the Governments of Serbia and Montenegro unless and until the President determines and certifies to Congress that President Slobodan Milosovic of Serbia is cooperating fully with the International Criminal Tribunal for the Former Yugoslavia.

Mr. SPECTER. Mr. President, this amendment is being offered so that the Senate will have an opportunity to articulate a forceful condemnation of the war crimes and crimes against humanity, committed by all sides in the conflict in the Balkans, particularly the Bosnian Serbs, so that the Senate will have an opportunity in the final analysis to condemn the policies and actions of the Bosnian Serb President, Radovan Karadzic, and the Bosnian Serb military commander, Ratko Mladic, and urge the special prosecutor in the International Criminal Tribunal for the former Yugoslavia to expedite the review of evidence for their indictment for such crimes.

I had spoken on this subject generally on Tuesday evening following the introduction of the resolution by our distinguished majority leader calling for lifting the arms embargo so that the Bosnian Moslems may have an opportunity to defend themselves.

I support the action of the majority leader in urging the adoption of that resolution. It seems to me that the mission of the U.N. forces in Bosnia has been a mission impossible when they are charged to keep the peace when there is no peace to keep. U.N. forces ought to be withdrawn so that they can no longer be held hostage and so that then the Bosnian Moslems may have an opportunity to defend themselves under article 51 of the U.N. Charter, and that there may be appropriate help from the United Nations, NATO, and the United States by way of massive airstrikes. But there has not been a condemnation of the action of the Bosnian Serbs by this body, and I think that is very important.

The conduct of the Bosnian Serbs has been on a level of brutality and inhumanity which has been virtually unparalleled at least since World War II, and the nations of the world have stood by and have watched these atrocities and ethnic cleansing go on without a denunciation of this kind of conduct.

Hopefully, the International Criminal Tribunal will ultimately bring to justice all of those involved up to and including the highest levels. While the Western democracies articulate values of decency and humanity, we have sat back and have watched this atrocious conduct unfold.

There is little left of dignity and honor or basic human dignity in what has gone on in Bosnia, and at the very minimum this conduct ought to be condemned in the most forceful possible terms, which is what this resolution calls for.

I have introduced it for that purpose and to speak briefly on some of the underlying factors. I have told the managers of the bill that I would not insist on a rollcall. There is no reason to take an additional 20 minutes of the Senate's time to have what would most probably be a unanimous vote.

However, these are matters which ought to be called to the attention of the American people and the people of the world as forcefully as possible. It is my hope that the President of the United States will speak out on this subject, and that the President of the United States will use the forcefulness of the bully pulpit of the White House to acquaint the American people with what is occurring.

We have seen confirmed reports of the Bosnian Serbs rounding up young men, 11 and 12 years of age, and slitting their throats and placing them in heaps. We have seen the photographs in the public press of young Moslem women from Bosnia going into the fields and hanging themselves because that kind of suicide is preferable to the kind of brutality which is being inflicted by the Bosnian Serbs. We have seen the active reports from the safe havens of the United Nations which have been invaded by the Bosnian Serbs, taking away elderly women, taking away elderly men, committing the most atrocious kind of conduct.

I am not going to take a great deal of time here today, with the pendency of the other legislation. But I would cite just a couple of examples which are illustrative:

The Bosnian Serbs going to a Moslem victim and cutting off two fingers of each victim's hand so as to make the sign of the cross; and then they cut the prisoner's nose and ears off; and finally cut their throats, causing death.

Another example, a woman hiding in a barn with her husband and two young daughters, ages 13 and 7. Five Chetniks, Serbian paramilitaries, find them, beckon the father over, and in the sight of his two young daughters and wife, brutally murder him with a gun without his having uttered a word.

In the presence of an elderly woman, the husband is accosted by Bosnian Serbs, as they were fleeing, slicing his throat right in front of her, causing death.

Mr. President, I ask unanimous consent that examples be admitted into the RECORD, without going through them in detail at this moment which chronicles and specifies the kinds of blatant atrocities which are being perpetrated by the Bosnian Serbs.

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

EXAMPLES OF WAR CRIMES OR CRIMES AGAINST HUMANITY IN THE FORMER YUGOSLAVIA

EXAMPLE 1

The Final Report of the Commission of Experts to Investigate War Crimes in the Former Yugoslavia reveals the existence of 150 mass graves containing between 5 and 3,000 bodies and over 700 detention facilities in which, up until March 1994, an estimated 500,000 persons were imprisoned, murdered, tortured, and raped.

The estimated number of tortured persons is over 50,000.

The estimated number of raped women is over 20,000.

The Serb policy of ethnic cleansing included total forceful transfer of civilian populations from Serb controlled areas in flagrant violation of international humanitarian law as well as the destruction of public and private property, including religious and cultural heritage.

All of the above constitute war crimes and crimes against humanity and could even rise to the level of genocide.

EXAMPLE 2

The camp commanders.—Zeljko Meakic:

A. Complicit in the killing of, and in the causing of serious bodily or mental harm to, and in the deliberate infliction of conditions of life on, Bosnian Muslims and Bosnian Croats people, intending to bring about their physical destruction as a national, ethnic or religious group

B. Held individually responsible for the crimes committed by his close subordinates (deputies and shift commanders) and by the guards who regularly and openly killed, raped, tortured, beat and otherwise subjected prisoners to conditions of constant humiliation, degradation, and fear of death.

C. Personally beat the prisoners upon arrival with batons and other weapons

D. Kicked one prisoner who was tortured in the chest.

EXAMPLE 3

Zoran Zigic and Dusan Knezevic ordered prisoners to drink water like animals from puddles on the ground, jumped on their backs and beat them until they were unable to move; as the victims were removed in a wheelbarrow, one of the Serbs discharged the contents of a fire extinguisher into the mouth of one of the victims.

EXAMPLE 4

Dusan Tadik and others: Belonged to a group of Serbs from outside the camp, who called on one day prisoners out of their rooms, severely beat them with various objects and kicked them on their heads and bodies. After one of the four prisoners was beaten, two other prisoners were called on and ordered by a member of the group to lick his buttocks and genitals, and then to sexually mutilate him; one of the two covered the prisoner's mouth to silence his screams, and the other bit off the prisoner's testicle. This prisoner and two other died from the attack; the fourth one, who was severely injured, was thrown onto the back of a truck with the dead and driven away.

EXAMPLE 5

Most recently, in the wake of the fall of Srebrenica, there are numerous accounts of new Serbian cruelty: throats slit, women raped before women and children were packed on buses for a mass ethnic deportation.

Twenty-year-old woman made her way into a grove of trees near the refugee camp at night and hung herself.

Hundreds of men were reportedly killed by Serbs and thousands taken away for investigation of ''possible war crimes.''

One refugee reported that the buses carrying the Muslims were stopped outside Srebrenica and Serbs took young men and women off. ''They made us watch while they cut the men's throats and raped the women.'' (New York Times, 15 July)

EXAMPLE 6

In Potocari, where there was a U.N. base to which many refugees fled, there were accounts of Bosnian Serb soldiers coming into the factories were refugees where spending the night.

''They took some young boys with them, kids who were probably between 12 and 17 years old. Later we heard screaming outside. . . . On Wednesday morning we went outside. . . . I saw seven of the boys with their throats cut, and two others hanging from a tree.''

The same night, Serb soldiers reportedly abducted three women, ages 12, 14, and 23. When the three returned several hours later, they were naked and covered with scratches and bruises, and the two youngest were bleeding from the assault. At dawn, the 14 year-old ''slipped off to the side. She took a scarf she had with her, tied it around her neck and hanged herself from a beam.''

Wednesday morning, the Serbs ''took about 15 women. When the women started to scream, the Chetniks [Serb soldiers] covered their mouths and dragged them away. We left the factory on buses a few hours later and by the time we left none of the women had come back.'' (New York Times, July 17, 1995)

EXAMPLE 7

Thousands of thin and exhausted Bosnian Muslim men have begun pouring into Tuzla after being missing since the fall of Srebrenica a week ago.

One soldier told of seeing a father shoot his badly wounded son when he could carry his child no farther.

Others said they saw comrades commit suicide during the long walk by pulling the pins on hand grenades and holding them to their necks or by standing next to them as they exploded.

''There were dozens and dozens of dead bodies on my trail.''

U.N. High Commissioner for Refugees said about 19,000 of Srebrenica's 42,000 residents still are not officially accounted for. (Gazette-Montreal, July 18, 1995)

Another U.N. official relayed the following account: ''One woman told us that her husband was grabbed by the Bosnian Serbs as they were fleeing Srebrenica and they slit his throat right in front of her. She said she saw the bodies of at least eight other men whose throats had also been cut.

EXAMPLE 8

A report from the Bosnian War Crimes Commission in 1992 claimed that since the beginning of the war, at least 260,000 people had passed through concentration camps and prisons set up by the Serbs while 10,000 people had been killed in them.

EXAMPLE 9

The Report described the mutilation and torture of men, women and children by Serbs: ''One account . . . claims that Serbian fighters burned alive elderly people who refused to leave their homes and forced mothers to drink the blood of their murdered children.'' (The Daily Telegraph August 3, 1992)

EXAMPLE 10

One candidate for prosecution would be Gen. Ratko Mladic, the commander of Serbian forces in Bosnia and Herzegovina. Mladic was the Yugoslav Army commander in the Serbian-controlled area of Knin in Croatia before being transferred to Bosnia to head army forces there. Following the army's nominal withdrawal from Bosnia, he stayed on as Serbian commander and was overheard on Serbian radio frequencies disregarding subordinates who questioned artillery attacks on the residential neighborhood of Velesice in Sarajevo because of the number of Serbian residents there. ''Burn it all,'' Mladic instructed his troops, ordering them to shell the area with the heaviest weapons in the Serbian arsenal: 155-millimeter howitzers. (The Nation, August 31, 1992)

EXAMPLE 11

Zerina Hodzic's account of what happened to her husband is typical: I was hiding in the barn with my husband Rifet age 35 and our two daughters ages 13 and 7. Five Chetniks Serbian paramilitaries found us and pointed their index fingers at my husband and beckoned him toward them. One of the Chetniks shot him without ever having uttered a word.

Mr. SPECTER. A summary, Mr. President, was contained in the final report of the Commission of Experts to Investigate War Crimes in the Former Yugoslavia. That report specifies the existence of some 150 mass graves containing between 5,000 and 3,000 bodies each, and 700 detention facilities where up to 300,000 persons were imprisoned, murdered, tortured, and raped; with tortures estimated at some 50,000, and rapes estimated at some 20,000.

And I will further call attention, Mr. President, to the fact that in the proceedings in the international criminal tribunal for the former Yugoslavia, that Bosnian Serb commanders are being held responsible for atrocities. In the case of two of the commanders, they were held responsible for the acts of their subordinates, which gives rise to an expectation that officials at the highest level may be held responsible in the International Criminal Tribunal.

Mr. President, it is a difficult matter as to how far the United States and NATO can go in assisting the Bosnian Moslems. I have said on this floor that I am opposed to the use of ground forces in that arena. It is an open question as to whether other support can be given, such as heavy bombing, which could perhaps bring about a balance of power between the Bosnian Serbs and the Bosnian Moslems, giving the Bosnian Moslems an opportunity to defend themselves. But there are a wide range of options.

I believe that if the people of this country understood the intensity of the barbarism which is going on, when you have acts like cutting off ears and cutting off noses, slicing the throats of young boys, and have the brutal conduct leading young women to hang themselves rather than be subjected to the atrocities from the Bosnian Serbs, there might well be a different public reaction. And there might well be a different leadership reaction if the President would speak out to the Nation as a whole, using the force of his bully pulpit. Some people watch C–SPAN 2 and some people hear and see what we are doing. But it is too hard for people to follow the atrocities that are occurring, too hard for people to follow the fine print in all the newspapers to see exactly what is going on. But if the people of America were aware of what is going on, I think there would be widespread public outrage, just as outrage has been expressed by this Senator and others on this Senate floor.

So it is minimal, but I think the least that we can do, to express our outrage and to have the voice of the Senate speak out in condemning the action of the Bosnian Serbs, condemning the action of the Serbian President Radovan Karadzic and the Serbian military leader Slobodan Milosevic, and asking the special prosecutor of

the tribunal to review the issue of indictment, that if we will not act directly in a military sense, that at least we will put those people on notice that what they are doing will not be ignored, and will be subject for criminal prosecution at a later date, by analogy to the Nuremberg war trials. The day of reckoning may come, and those leaders and all those that can be identified will face the death penalty in a court of law for their acts of brutality in Bosnia today.

I yield the floor.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. First, let me commend my friend from Pennsylvania for his leadership on this issue. I was unaware that the Senate did not yet issue a statement of the denunciation of these kinds of atrocities. I agree with him absolutely that it is time we did so. And I appreciate what he has done here today.

Mr. President, I ask unanimous consent that I might be allowed to proceed as in morning business.

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

TERM LIMITS

Mr. BENNETT. Mr. President, if I may be allowed a moment or two to speak personally, I would like to refer to events that took place in the Senate yesterday and tie them back to my campaign, which is fast fading into memory, but some portions of which are pretty firmly etched in my memory as I am sure is the case with everyone here.

During the campaign, one of the issues that was raised continually by my constituents was the issue of term limits, because they said they had the feeling that the system was so unresponsive back here in Washington that something had to be done structurally to shake it up. Knowing a little bit about the Senate and the way it worked, I suggested to some of my constituents that while we debated the overall issue of term limits, which probably will require a constitutional amendment, there was something else that could be done quickly without a constitutional amendment that could change the character and perhaps free up the way things are done in the Senate. Specifically, I suggested to my constituents that it would be a good thing if we limited the terms of committee chairs in this body so that someone who assumed a committee chair would not assume the posture of divine right in that circumstance and then stay there forever and ever, dispensing whatever favors or power goes along with that assignment.

My constituents liked that and indeed many of them said to me as they came to me in the closing days of the campaign, ''We are going to vote for you but we want your personal pledge when you get there you really will work for significant change in the way business is done.''

Of course, as you do in a political campaign, when somebody says that to you, you say, ''Why, of course you have my pledge that I really will work to see that that is done.''

When I arrived here in January of 1993 and suggested term limits for committee chairs, I found a very interesting circumstance. Among my fellow freshmen Senators, one of whom is on the floor here today, there was great sympathy, there was great agreement: Yes, we need to limit term limits, if you will, the time of committee chairs. Among the freshmen Republicans, we had unanimity on that issue. But there were only six of us. And we were told when you have been here a little longer, when you understand how the system works a little better, you will not be quite so zealous to call for the term limits of committee chairs.

Well, when I went back home, I found myself hoping people did not ask me, ''What have you done to carry out your campaign pledge to see to it that there would be some structural reform in the way the Senate does its business?''

When I did get asked, I would say, ''I am trying.'' And then when they pressed for details, I would say, ''Well, I am in concert with all my fellow freshmen''—the Republican six, as we became finally, with the addition of KAY BAILEY HUTCHISON—''We are working hard.'' And my constituents would begin to get that look on their face that says, ''Yeah, we heard that before. You're going to try to do something but, in fact, nothing is really going to change, and the longer you are back there, the more you are going to become part of the system and everything is going to stay the way it's always been.''

There was another election that took place. The distinguished occupant of the chair was part of that, and instead of 6 Republican freshmen, all of a sudden we had 11 Republican freshmen. And added to the 6, that gave us 17, which constituted a sufficient block of the Republican conference that all of a sudden we were being listened to in ways we had not been when there were just 6 of us.

Mr. President, as you well know, yesterday the Republicans had a marathon session talking about the way things should be structured in the Republican conference. And out of that session came an action which I applaud wholly; that is, the Republicans have agreed to term limit the chairmanship of a Senate standing committee. I wish we could amend the rules of the Senate itself so that it was written into the Senate rules and had the protection of the two-thirds requirement so that it could not be altered, except by a subsequent vote of 67 Senators. I do not think we can do that. I do not think the votes are on the floor to do that.

But I can now, with a clear conscience and a smile on my face, say to my constituents: ''I may not have been able to work successfully to change the rules of the Senate, but I have joined with my colleagues in an effort, successfully, to term limit chairmen, at least those who are Republicans.''

If I may be allowed a slightly partisan note, Mr. President, I hope that will be the case for many years to come; that is, that all of the chairs of all of the committees will be Republicans for at least as long as I serve in the body. In that case, our failure to change the Senate rules will not make any difference.

I think the Republican conference needs to be congratulated for taking this step. It demonstrates a willingness to allow those of us who are newcomers more of an opportunity to hold positions of responsibility perhaps sooner than would otherwise be the case. It allows for fresh ideas and fresh approaches to come into the system more openly than would have been the case if we had stayed with the old rule.

There is still much that I would like to do in the name of congressional reform. If I could sit down and write the rules all by myself, I would change a lot of the rules around here, and I have introduced a bill to do that. At the moment, it has only attracted a single cosponsor. That is one of my fellow freshmen. Maybe I could work to get another 10 names or so on it, but I recognize the reality of this place. It is going to take a little more time and maybe, Mr. President, another election or two before we start some of the fundamental restructuring of the Senate rules that I would like to see happen.

But I am delighted that we have not waited for those elections to take place and for that time to come. In the Republican conference, we have moved with dispatch and, I may say, a large majority. I do not want to leave the impression that the decision to term limit committee chairs was a close one and that those of us who are freshmen or sophomores had a difficult time winning a very narrow victory. As we made our case, our more senior brethren, and on occasion sister or two, decided we were right and the vote was not close. The vote was 38 to 15 saying we will, in fact, recognize the call that is out there among the American people to bring the procedures in this body up to date with modern approaches and opening it up so that those who do not want to make a full-time career out of service in the Senate but simply come here for a term or two, will, in fact, still have the opportunity to receive leadership assignments and represent their constituents in that circumstance.

When people talk to me about the overall issue of term limits, I tell them in my case, you do not have to worry about it. At my age, term limits are built in. Some say to me, ''Well, look at the senior Senator from South Carolina. Maybe you will be here 20 or 30 years.'' If that is the case, I will be in my nineties, and I think I would rather

do something else than serve in the Senate at that age.

So, Mr. President, I appreciate the indulgence of the Senate in allowing me to make this comment, allowing me, if you will, to crow a little to my constituents back home over the fact that we have taken this first step that I did pledge to work toward while I was in the election, and express my satisfaction and gratitude to my fellow members of the Republican conference for this decision.

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

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

THE 1994 ELECTION MANDATE

Mr. INHOFE. Mr. President, I sat presiding in the chair listening intently as the Senator from Utah talked about the mandate, as he understood it, when he was elected to the U.S. Senate in 1992.

As one who was elected 2 years later, in 1994, that mandate was not quite the same. It was interesting that those individuals who are talking about term limits did not really address the fact that we have a problem, in that we have the same leadership within each party in the U.S. Senate, as they were concerned about the term limits of individuals serving in the House and in the Senate.

Maybe it is unique to my State of Oklahoma that we had such an intense interest in the fact that people should come here as citizens, serve for a period of time, and then go home and serve under the laws that they passed. It seems as if the term limits debate has become very silent now. I have decided that one reason is that they felt if we had such a turnover, as we had in both Houses of Congress this last time, maybe people do not think that there is a need for term limitation anymore. But I saw a poll that was taken yesterday. I saw the poll that was taken last week, and I was shocked to find out that 72 percent of the American people have very strong feelings about limiting the terms in which Members of the House and Members of the Senate can serve.

I did not expect this because I have heard so many people around the beltway—which is not really real America—say we do not need it anymore because we know now that we can flesh things out and get new blood.

I think that the poll, as it was interpreted, says that people like what happened on November 8, 1994, but they are not real sure that they want to wait 20 years for the same thing to happen again. We are, indeed, better off to have people here who have been in the real world.

I got to thinking about the arguments, since I was the one who proposed term limits many, many years ago. When I was running for office, I stated I would do everything I could—the same as the Senator from Utah said he would do everything he could—to see to it that the terms of leadership would be limited. I made that same commitment to continue the effort to limit terms.

I observed something when I was first elected to the U.S. House of Representatives. I have to say, Mr. President, that I am a truly blessed individual. I decided 35 years ago, when all my kids were grown and the runt of my litter was out of college and off doing her thing, that I would do what I always wanted to do and run for Congress. That happened in 1986.

When I arrived in Congress, I found something that shocked me. That is, that the prevailing ideas and mentality of those who are in power in Congress was totally alien to what people outside the beltway thought.

For example, I categorize the thinking of Congress, the majority of Congress who are making the decisions, who are setting the agenda, who are carrying on the debate, into four categories, what they really believe. First, in terms of crime, they really believed that punishment was not a deterrent to crime. In the second area, they believed that government, in concert with Congress, can run the lives of the people of America better than people could in the private sector. They believe that the cold war is coming to an end. Of course, subsequently it was ended, and therefore it is not necessary to put more money in our Nation's defense. That money should go into social programs. They felt that deficit spending is not bad public policy.

When we stop to think about those four areas, almost everything, at least that this Member, former Member of the House experienced, found very offensive, fell into one of those four categories. People felt, as far as the deficit is concerned, they said, ''Well, we are all right on the deficit. We are not concerned about that. After all, we owe it to ourselves,'' without realizing everything we are spending today we are borrowing not from anyone who is here in this Chamber today or in the gallery, or even those who may be watching, but the future generations, such as my three grandchildren. They are the ones who will pay for all this fun we are having up here.

Every time we try to cut some of the fat out of government, cut a social program, the people stand up with bleeding hearts and talk about how can we do this to those poor people who need these programs. Right now, we are in the middle of, and we are reminded that all we are trying to do is take the profit out of illegitimacy, and get people more responsible for their own acts.

Insofar as the defense is concerned, I am embarrassed to stand here and say we are operating with a budget right now that is less than the budget that we are spending on social welfare programs, when we combine State and Federal programs. We are operating on a defense budget that is less than it was in 1980, when we had hollow forces, when we could not afford spare parts. We all remember. It is all in the history. Yet, some believe that the threat that is out there today is greater than the threat that we were facing during the cold war.

At least during the cold war, Mr. President, we could identify who the enemy was. There were two superpowers. So we knew who it was.

Right now, in accordance with comments made not by conservative Republicans, like I am, but by Democrats, Jim Woolsey, who is the Chief Security Adviser to the President of the United States, Bill Clinton, said that we know there are between 20 and 25 nations that have developed or are developing weapons of mass destruction. They are all developing the means to deliver those weapons of mass destruction. We have the Saddam Hussein's and the Qadhafi's, and those out there able and willing to buy technology that is on the market.

Here we are, with a group of people who really believe that there was not any threat out there, when the vast majority of the people of America who voted in the elections in November of 1994 said, ''Yes, we need a strong national defense.''

Government and its relationship to our lives in 1987, when I first got to the U.S. Congress, the majority of people in leadership really believed that the only thing wrong with America was we did not have enough government regulation. We needed more government regulation. When, in fact, that is exactly what is the problem.

Why did these individuals believe these things? They believed these things because many of them had come straight from the fraternity house to Congress—never been out in the real world, never exposed to real people. So they completely lost touch.

That is what precipitated what I refer to as the revolution of November 8, 1994, when we had the greatest turnover in contemporary history. People finally decided, whether they are Democrats or Republicans, back in the real world, that they wanted to make major changes in government as we know it.

Here we are with the reregulation bill that is right now kind of on high center. All we are trying to do is say to the people who voted in new people in Congress, ''Yes, we heard you, loud and clear. We are going to get rid of this overregulated society.''

Someone on a radio talk show not long ago, in fact, the No. 1 radio talk show in America, the host said if you want to compete with the Japanese, export our regulations to Japan and we will be competitive with the Japanese.

We truly are an overregulated society. I have told this story many times, people that I know back in my State of Oklahoma. A guy name Keith Carter, in Skiatook, OK, invented a spray that you put on horses, and apparently it works. Whatever it does, it must work, because he had four employees, and a couple years ago they moved to a larger place down the street from his house, still in Skiatook, OK. He called me up, 4 days before Christmas—this was 2 years ago—and he said, ''Congressman INHOFE''—at that time I was in the House of Representatives—he said, ''The EPA came along and put me out of business.'' I said, ''What did you do wrong?''

''When I moved down the street 2 years ago, I forgot to notify Washington and the EPA that I had moved.'' I said, ''You mean they did not know where you were?'' He said, ''I notified the regional office, but they did not tell Washington.''

So we got it taken care of. He called back a little later, and he said, ''I appreciate all you did for me, and you got me back in business, but now I have another problem. I have $25,000 worth of bottled spray produced during the 2 weeks I was revoked that they say I cannot use.''

This is the type of overregulation we have in society today. I think the reregulation bill is going to come out. I think the people of America will have to speak up again and let them know, let Members know, that they are still interested in reducing the abusive role of government as we have come to know it today.

Mr. President, term limits is a very real thing today, and just because we made some major turnovers does not mean that we should not continue the good thing that happened in 1994. A lot of people say, ''Well, you cannot do that; you are taking away my constitutional right to vote for someone as I see fit.'' It was not very long ago when we had to impose term limits on the President of the United States. And it has worked very well since then.

We could use the same arguments. Well, you have taken away my right to vote for someone who has already served two complete terms. Almost every State in the Union right now has term limits on its Governors. The vast majority of the States that have the petition process, the initiative process, were able to either vote in or through an initiative and impose term limits on themselves. However, the U.S. Supreme Court came along and said, ''No, you cannot do that.'' So it can only be done, to be effective and endure the future generations, is to do it with the constitutional amendment.

I intend to continue in that fight. I believe that the message is loud and clear. There are a lot of messages that came out of the elections.

I mentioned that the majority of people who had been operating without term limits and have been here since they graduated from college and did not have experience in the real world, that they honestly did not believe that punishment was a deterrent to crime.

Senator RICHARD SHELBY, from Alabama, and I introduced a bill that would change our prison system and put the work requirements back in. People say, ''How cruel can you be, because these people are poor products of society, and it is not their fault they did something that is wrong. You should not be punishing them.''

There is an article, Mr. President, you ought to read. It was in last November's Readers Digest. It says, ''Why Must Our Prisons Be Resorts?'' And it talks about the new golf courses that they are putting in next to the polo field, or next to the boccie courts. Whatever that is. And how we are going to have to take care of—they do not even call them prisoners anymore in some prisons, they call them clients, because they do not want to offend them.

I may be old fashioned in my thinking. I think punishment has deterred crime. I think history showed that. When we passed the soft-on-crime bill, the omnibus crime bill of 1994, that was the midnight basketball and dancing lessons and all that, the American people were offended by that and those individuals who voted for that bill, most of them, were voted out of office in November 1994. It was just another one of those areas where, if you had been inside the beltway listening to people around here, you forget what the real people at home are thinking. Because it is a different mentality here in Washington, DC.

I do not think that Oklahoma is unique in that respect. I will share an experience that will offend, I think, some of the people here. But it is something that happened to me.

The State of Oklahoma is, by registration, a very strong Democrat State. But the Democrats in the State of Oklahoma are very conservative. They are unlike the Democrats that we have here in Washington. I had an experience down in McCurtain County. McCurtain County in Oklahoma, Mr. President, is what we call severe little Dixie. There are not any Republicans. They are all Democrats. I remember being down there in the campaign and my opponent was an incumbent, the same as I was, an incumbent from the House, both running for the Senate, so we each had records.

I remember someone standing up in a meeting of about 45 people in McCurtain County. I was the only Republican who was in that room that day, including a New York Times reporter who was following me around. Someone stood up in far southeastern Oklahoma, where there are not any Republicans, and said ''Inhofe, you are going to be the first Republican to carry McCurtain County since statehood, the State of Oklahoma statehood in 1907.'' I said, ''Why is that?'' He said, ''Because of the three G's.'' He said, ''God, gays, and guns.''

Let us look at what they were really saying. He said school prayer was an issue in southeastern Oklahoma—school prayer, gays in the military was an issue, and gun control was an issue. During deer season, they closed schools. These are real people. These are not the kind of people you find around the beltway. And this gets right back to the whole idea of term limits.

I really, honestly, believe in my heart that we would not have a lot of the problems that we have had since the 1960's about the role of Government in our lives, we would not have the huge deficits we find ourselves with—if we do not change our spending behavior, a person who is born today is going to have to spend 82 percent of his or her lifetime income just to service Government. And this is what we are going to change.

So I believe the term limit debate is going to be revived again, even if I am the one who has to revive it, because I think the vast majority of Americans honestly and sincerely in their hearts believe that those of us in Congress should someday have to go out and make a living under the laws we passed. The only way to ensure that is if we have limitation of terms.

Early in this country's history it was not necessary. We had people who came in and they could only afford to be here for a short period of time. They did their patriotic duty and they went back and lived with the laws they passed. I think that is exactly what is coming back to America and it is going to serve my grandchildren and all of America very well.

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

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

The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I ask unanimous consent I be allowed to proceed for 10 minutes as in morning business.

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

THE REGULATORY REFORM BILL

Mr. JOHNSTON. Mr. President, I want to give my colleagues a report on the regulatory reform bill as I see it. As of last night, those of us who were in favor of regulatory reform had presented a list of four amendments which we were willing to concede to. In my judgment, they went further than I would have liked to have gone. One dealt with that issue of least cost. In the current Dole-Johnston amendment, least cost is not the test. We have made that repeatedly clear. However, we have offered an alternative that is

framed in terms of the language that the opponents of regulatory reform wished, and we have heard nothing back from that, at this point, together with three other amendments we were willing to go along with.

As I understand it, those who are opposed to the Dole-Johnston proposal are urging people not to vote for cloture on the grounds that there is this great negotiation going on that is getting close. If there is such a negotiation going on, I am not aware of it. We are waiting for an answer and not receiving one.

I do not know whether the majority leader is going to call for another cloture vote or not. At this point, I must say, it appears we do not have the votes for cloture, which means the regulatory reform bill will go down to defeat. The majority leader, of course, is in charge of the schedule, but I am advised that is a busy schedule.

Unfortunately, there are members of the other party who would like the issue of regulatory reform not to pass, to have the issue. There are Members on this side of the aisle, I think, who would like the issue for the opposite reason. And many of us are in the middle, who fervently believe we ought to have regulatory reform, that it is one of the most wasteful operations of Government that we now have, that we have an opportunity, really to do something important, something that will really make sense out of the regulatory problems we have today.

I very strongly believe that. I have very strongly believed in regulatory reform for 2 years now, since the Senate initially passed, last year, by a vote of 94 to 4, a risk-assessment proposal. Now, when we are on the threshold of being able to get it done, unfortunately it appears it is going down the drain, mainly by arguments against the Dole-Johnston bill which are simply not correct; some of which, by the administration, are made disingenuously, in my view.

To say the test is least-cost under the Dole-Johnston bill is just not true. It is there in very plain language, very plain language. Nevertheless, I think we will probably, if I read the majority leader correctly, have another cloture vote; and failing in that, which I guess we will, it will be farewell to regulatory reform. That is a real shame. And I do not understand the opposition to this bill.

If there are amendments that need to be made, let us know about them. There is nothing, nothing, zero, going on, in terms of trying to resolve this question. It looks as if it is a lost cause, and I regret that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I want to take this occasion to commend the Senator from Louisiana for his leadership on this issue, and assure him that this is one Senator who agrees. I do not want it held as an issue. I want it as an accomplishment.

I think we would all be better off if we went home and campaigned on our accomplishments than on our rhetoric and on our demagoguery on these issues.

I know the Senator from Louisiana has labored long and hard on this issue. He has shown his usual patience. I served as a member of a committee which he chaired and discovered that patience in a variety of circumstances.

I am grateful to him for his statement here today, and want to align myself with his plea, for whatever we will do on my side of the aisle, to say let us not hold this as an issue, let us do the very best we can to bring it to a head, get cloture and get this done.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER (Mr. KYL). The Senator from North Dakota.

Mr. DORGAN. Mr. President, I was interested. As the Senator from Louisiana began speaking he talked about speaking on behalf of those who want regulatory reform. I do want to say I think the Senator from Louisiana is one of the best Members of the U.S. Senate, is one of the most thoughtful, bright, and interesting Members of the U.S. Senate.

I will say to him, however, that I do not think there is a division in this body between those who want regulatory reform and those who do not. I am someone who supports the Glenn-Chafee substitute. It is in my judgment a legitimate, serious substitute that will in and of itself create substantial regulatory reform.

So I really do not think this is a question of a group of people who want things just the way they are, and who love the status quo with all current regulations. It is not the case. Most Members of the Senate, I believe, feel very strongly that there are some Government regulations that are silly, that are intrusive, that are totally inappropriate, and that simply overwhelm for no good cause a lot of Americans who are trying to run small businesses, or big business for that matter. We want to change that.

But we also care very much about important, good regulations that work. I know the Senator from Louisiana does as well. He has heard me describe before the circumstances with respect to the Clean Air Act. The Senator was describing the other day circumstances in which I believe it was EPA was describing the kind of approaches here on regulations as a result of popular public opinion or public opinion polls. I understood what the Senator was saying.

On the other hand, in the 1970's America woke up and decided as a result of a new consciousness with Earth Day and other things that we cannot keep spoiling the nest we are living in, that we have to stop polluting the air and start cleaning the air, that we have to stop polluting the water and start cleaning our water. If that was the public will, I applaud EPA, and others, and applaud the Congress for saying this is the public will, to let us decide to hitch up and do it.

Twenty years later, as the Senator from Louisiana well knows, we now use twice as much energy in America and have cleaner air. Is it perfect air? No. We still have some air quality problems. But instead of the doomsday scenario that a lot of folks felt we were heading toward with continually degrading our airshed, we have over the last 20 years, even as we have substantially increased our use of energy, cleaned America's air. We have cleaner air and less smog. I happen to feel very proud of that. I think that is an enormous success story.

Not many people even know it. No one will talk about it, because success does not sell. Failure and scandal sells. Success does not. We have fewer problems with acid rain. We have cleaner rivers, cleaner streams and cleaner lakes in America now than we had 20 years ago. That is quite a remarkable accomplishment and achievement once our country decided we were going to do things the right way. I am enormously proud of that.

I just do not think under any condition we want to retreat on those fundamental principles. We are fighting for clean air, we are fighting for clean water, and we are fighting to maintain a safe food supply. All of those things are important.

I join the Senator in his concern about trying to streamline regulations with regulatory reform. The desire for regulatory reform, I think, is shared by virtually every Member of this body. The division at the moment is a division between those of us who want to do this in the manner described in the Glenn-Chafee substitute versus those who want to do it in the manner described in the Dole-Johnston substitute.

I just took the floor in order to say that I think there is a uniform desire here to do the right thing with respect to regulations. We do not in any event want to roll back the regulations that have allowed us to achieve significant victories in the last 20 years with respect to clean air, clean water, and safe food. That is what I think the real debate is about.

So I appreciate the thoughts of the Senator from Louisiana. I wanted to rise to make that point.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I will stand corrected—this is not against those who are against the bill as opposed to those who are for it. I think the Senator from North Dakota correctly states that it is those who are for the Glenn-Chafee bill and those who are for Dole-Johnston bill. The difference is that many of us regard the Glenn-Chafee bill as being a permissive bill; that is, it permits the agencies to engage in regulatory reform but it does not require them to do so. Whereas,

Dole-Johnston does. We are operating under an Executive order now that on its face requires it, but actually does not require it. And if we are talking about a permissive kind of bill, in my view, that is what we have now.

To be sure, it has resulted in great advances forward. Look, all of the laws for which we voted—I voted for all of these, the Clean Air Act, the Clean Water Act, et cetera—have made some great advances. And if you want to keep the present status quo, I would say the thing to do is vote for Glenn-Chafee. Glenn-Chafee will not pass, in my view. I just think it is unfortunate that this is being painted as an ongoing negotiation.

Mr. KERRY. Will my friend yield?

Mr. JOHNSTON. Yes.

Mr. KERRY. It is the last comment previously made on the floor that helped bring me to the floor, and I thank my friend from North Dakota for already responding to some degree, and I know the Senator from Ohio is now here. Let me just respond to that.

We are perfectly prepared to sit down, and we have been on an ongoing basis. Yesterday afternoon, I believe, I got in written form a response to the most recent suggestions that we made with respect to the bill. The principal sponsor of the bill is on the floor now. I know he will say that he is not stuck in the mud or cement or anything with respect to the fact that the Glenn-Chafee bill in and of itself, in its entirety, is somehow presumed to be the only vehicle to pass. We understand that full well. Nor are we in a position that is embracing a no-bill strategy. We have a lot of folks on our side of the aisle, myself included, who would like to vote for regulatory reform, number one, and who are prepared—in fact, more than prepared —we are already agreed in our negotiations to arrive at new decisional criteria.

There are some outside who do not want that. But we have agreed that cost evaluation and risk assessment are appropriate things in a modern society to do to make a judgment about whether or not you are spending more money than the benefit you are getting.

The problems that remain, however, are significant. When you have 48 Senators, obviously going to diminish by 1, 2, 3—we all understand how it works around here. But when you have a sufficient number of Senators still saying this bill is a problem, and much more importantly, I say to my friend, when you have the President of the United States and his full Cabinet saying in its current form this bill will be vetoed, then there ought to be a legitimate effort here by all of us to legislate in a way that precludes that veto or try to reach a reasonableness where the best effort has been made to do so.

With all due respect, we still have a problem where we are still fighting and the Senator knows what it is about. It is about these 88 different standards, new standards for litigation, and the fact we do not feel we have sufficiently made this a bill which will, indeed, be reform. Our fear is that this bill in its current form is going to result in the agency being so swamped with petitions and having to respond to so much judicial review that they simply cannot do what they were intended to do, which is protect the health, the safety, and the environmental concerns of Americans.

Now, I do not know how many times we have to say it. There are stupid agency rules in existence. I am confident that people of good faith can sit down and identify them. There are excesses where agencies have even reached beyond the stated intent of a statute.

That is not what we are here to do. I am confident if we sit down further and continue to be able to try to reach somewhere between what Senator GLENN and Senator CHAFEE have put forward and what the Dole-Johnston bill represents, there ought to be a meeting of the minds.

Mr. JOHNSTON. If the Senator will yield, we submitted four major proposals and have asked can we clear those. Every time there is an argument—yesterday we had an argument about whether this is least cost. My friend from Michigan said no because there is this word ''nonquantifiable.'' I said, ''I have an amendment here to take it out. Would you permit me to do so?''

''Not now.''

Then there were other speeches back to back. We could not take it out. Now, we offered four amendments yesterday which I thought were agreeable amendments. Can we at least have agreement to take those out, to try to improve the bill on matters that we agree on, does not seem to be possible.

Mr. KERRY. Let me say to my friend——

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana has the time.

Mr. GLENN. Will the Senator yield?

Mr. JOHNSTON. Mr. President, I will yield for a question.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. I was surprised in my office to hear practically the death knell being rung over our efforts to get regulatory reform. The Senator is aware that he sent us a fax last night, and we are working out the answer to that. Meanwhile, each one of the cloture votes that we have had have allowed us to make some progress. We have made a lot of progress on this regulatory reform bill. They have offered to substitute ''least cost'' for ''greater net benefits''—this is an improvement and if we can write it up properly, we may be able to agree to their proposal. ''Net benefits'', as I understand it, is in the Executive order language. They want to use that language in the decisional criteria, and we are willing to consider their proposals. We are making progress.

We have also made progress on litigation opportunities and judicial review, as I understand it. I believe we agree that the final rule will be what is challengeable. We do still have a problem with the many new petition process. We are working on that. I think the Senator from Louisiana agreed a couple days ago at least on reasonable alternatives. Where it says ''reasonable alternatives,'' I believe his suggestion is to limit those alternatives that the agency has to consider to three or four. This is a major issue. We have not all agreed on that yet, but I think we can make major steps forward.

Now, on automatic repeal of a schedule for some rules, I think we are pretty close on that. We still do not agree on a third area, though—on special interests, such as including the toxics release inventory in this bill.

That is a major concern. We have made substantial progress in a number of areas here, and we have three or four more to go. But the Senator from Louisiana states that we have not gotten back with an answer yet to a proposal last evening. I am sure the Senator from Louisiana will agree this is very complex legislation. We have been working on it all morning and are going to meet on it this afternoon.

So I hope we still continue in good-faith negotiations. I think we have made a lot of progress, and this is probably as complex a bill and as far-reaching for every man, woman and child in this country as anything we will consider in this Congress.

I think we are making progress here. We are about to go to a meeting where we are going to talk about some of these very complex issues. We are supposed to meet at 2:15. And we are negotiating in good faith. I certainly do not read into our processes here anything except good faith on both sides.

So I was a little bit surprised to hear the doom and gloom that I heard in my office a little while ago, and that is the reason I came over to the floor. I think we are making good progress on this. There are a number of areas that I think we can agree on, and I hope we can have more before the afternoon is over.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I wish I could share the optimism of my friend from Ohio. He and the Senator from Massachusetts are both my good friends. I have great respect for their good faith, for their sagacity in all of these matters. But, Mr. President, it was my understanding that today we were going to have our final cloture vote and nothing seems to be happening. It seems, at least it is my view, that the requests for amendments are in sort of an expanding file; you get one and you agree to it, and then 2 or 3 days later it comes back to you as a criticism of the bill because somehow you did it wrong.

It is a complicated bill. It is not that complicated. It is fairly straightforward. Some of these four amendments were strike amendments, to

strike provisions that people disagreed with. Now, we ought to do that. We ought to say, ''I ask unanimous consent that we strike this.'' We cannot get agreement even to strike the language that is used against us. And the reason is I think because it improves the bill and helps get toward cloture.

I hope that there is hope, but I do not share that hope.

When it comes down to the final vote, whenever that is, and this bill goes down, there will be those who say, ''Oh, we were so close.'' I, for one, would just like to say I do not believe we are that close. To say that there are 88 ways to appeal or to attack on appeal, using that logic there are billions of ways because there is only one appeal and one standard for appeal. That is, is the final agency action arbitrary and capricious?

Now, you can use an unlimited number of arguments making sense or not making sense, but those 88 standards are not standards for appeal. They are simply things that somebody can argue. Why not make it 1,000? It is limitless what you can argue to a court. There is no limit. But there is one standard: Was the final agency action arbitrary and capricious?

That is the standard—only one—and only one appeal.

This came out of the Justice Department. They produced this long list of 88. If that is the kind of logic that we have to face from the Justice Department, there is no hope on this bill, because it defies logic. One appeal and one standard.

Mr. KERRY. Mr. President, let me just answer my friend, if I may.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. This is an example of how close but in a sense how far because the 88 standards that are here are not currently in the law. In the current law for rulemaking there is one page that describes what an agency has to do to make a rule.

You talk about what this grassroots revolution is all about in an effort to kind of get the process closer to America and less government; one page is the current law. This bill creates 66 new pages of requirements. That is more Government.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. KERRY. I would like to finish the point. I will be happy to yield for a question on that, sure.

Mr. JOHNSTON. Yes. I was going to say in the Glenn-Chafee amendment, does it not also have standards? If so, how many new standards?

Mr. KERRY. It does not have the same structure, no. It leaves discretion to the agency. It does not create 66 new pages of exactly how the rulemaking is going to take place. Let me be more precise to my friend. The struggle we are having is over a couple of words which will clarify the stated intent of the Senator from Louisiana, but not the written intent. The stated intent of the Senator from Louisiana was accurately just portrayed. And I agree with him.

The Senator just said, ''All you can do is make a judgment about the final rule as to whether or not the final rule is arbitrary and capricious.'' I agree with him. That is the standard we want. That is what he says he wants. That is what he says the bill does. We disagree. We believe that because of the lack of clarification in one paragraph that in fact the Senator inadvertently is opening up all of the procedural standards to review. If we will simply make clear in the text with the language we have sought that it is indeed as he says, not as to the procedure, but exclusively as to the final rule only, without regard to the procedure except as it fits into the whole record, we will solve that problem.

Now, I ask the President or anybody listening if that really sounds so unreasonable. And the problem is that every time we get to the point of saying, ''Why cannot we codify your intent,'' we run into a stone wall. So it makes us feel, ''Well, gee whiz, if we cannot codify with specificity the stated intent, which does not serve us anything when you go to court afterwards, something is wrong here.''

Now, I say to my friend, he is a very good lawyer. He knows exactly what will happen. If you go to page 52, line 4, paragraph 633, there is a requirement here: The agency must use the best reasonably available scientific data and scientific understanding. If a claimant wants to come in with a good lawyer and say the agency did not use the best reasonably available scientific data, and therefore their decision was arbitrary and capricious, you have opened up each procedural section here to that kind of individual appeal.

And, in addition to that, you have procedural requirements that amount to that. All we are saying is if you do not intend each of these subsections to become the basis of that appeal, let us just say it. If we say it, we have solved our problem.

Mr. JOHNSTON. Well, Mr. President, if I may reply to that, what we intend, what we say very clearly, is that it is the final agency action that is judged by the standard of arbitrary and capricious, that the risk assessment and the cost-benefit analysis will be part of the record. And that any violations may be used solely—we use the word ''solely'' advisedly to determine whether that final agency action is arbitrary and capricious.

Now, the standard that the Senator just read, did you use the best science, may or may not bear on the question of the final rule being arbitrary and capricious. If it is one of these rules where the issue is the quality of the science, and if they did not use proper science, but rather subjected the American public to billions of dollars in regulation, which flies in the face of good science, then, yes, that violation could be conceivably arbitrary and capricious, make the final agency action arbitrary and capricious. In most instances, it would not be.

But the very idea of having risk assessment and cost-benefit analysis is to find out what the cost is and to make the agency focus on science and use good science. Because, Mr. President, the reason I brought up risk assessment almost 2 years ago was that I found, in the committee I chaired at that time, that they were not using good science, that they were ignoring their own scientists, that they did not have the foggiest notion what the regulations were going to cost.

In one particular case, it was $2.3 billion dealing with a nonexistent risk, and they did not know what it was going to cost. They had ignored their own scientists. Now, that goes on—not every day, not in every regulation. And, yes, we make some great progress on a lot of these environmental laws. And I voted for virtually every one.

But do not ever think, Mr. President, because the air is cleaner and the water is cleaner and all of that, that there are not great excesses in our environmental regulation system. If you just want to make it permissive, you know, say these are good employees of the Government and they are doing their job well and the air is cleaner, well, that is fine. If that is what you believe, then you know, business as usual is good. It is making progress in one sense.

I do not believe that is so, Mr. President. I think I can prove it. I think I have proven it.

Mr. KERRY. I do not disagree with what the Senator just said. But he did not in effect answer the problem that I posed. Now we have language that we have given to the Senator. The Senator has accepted one form of language, but the Justice Department tells us that we have not cured the problem we are talking about. We have given him new language which we think cures it.

Mr. JOHNSTON. What is the new language that is——

Mr. KERRY. Let me point to another kind of problem just to kind of articulate, I think, the good faith with which we are framing some of these issues. There is a rulemaking petition process. I have agreed, Senator GLENN has agreed, and Senator LEVIN has agreed that all of us think any American entity, a corporation, some kind of environmental group, that feels aggrieved by a decision ought to have some means of redress for that sense of grievance. They ought to be able to come into the agency and say, ''Hey, wait a minute. This is a crazy rule. We want you to be able to review this rule.''

We agree with that. I am sure most of us would say that is reasonable. We do not want Americans running around, companies or individuals, feeling as if there is no path to a legitimate review.

What we do not want, Mr. President, is an unlimited Pandora's box for gaming the system, where one company

can come in and bring a petition, then their cohort friend company could come in and bring a petition, then another company associated in the same industry but not the same could come in and bring a petition. Under the requirements of the bill—I say to my friend in the chair and others—this is not going to reduce Government. This is not going to streamline the agency process. This is not going to lift the burden of regulation. It is going to create far more gridlock than we have had before because you are going to take a fixed number of employees with a shrinking budget, give them greater responsibility to answer petitions, greater responsibility to go to court, to the judiciary, greater responsibility to do risk assessment, greater responsibility to do cost evaluation. And there will be less people to do it.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. KERRY. This is an unfunded mandate. My friend from Ohio said this: ''This is the mother of all unfunded mandates.''

Mr. JOHNSTON. Mr. President, if my friend will yield, I have two questions. First of all, I have not seen the judicial review language. If it has been done, there may be some progress.

Mr. KERRY. Mr. President, the problem with this is, we are trying to write one of the most complicated pieces of legislation in none of the committees to which the jurisdiction falls. The committee to which the jurisdiction fell was the Governmental Affairs Committee. They sent us the Glenn-Roth bill at the time. It came out to us 15 to 0. So we did have a bipartisan consensus about how to approach this.

Mr. JOHNSTON. Not on the Glenn-Chafee bill.

Mr. KERRY. No, not Glenn-Chafee. I said Glenn-Roth. I said Glenn-Roth. And the only change between Glenn-Roth and Glenn-Chafee, I believe fundamentally, is the fact that the sunset is out and there is a minor change or two. But the other committee, the Environment and Public Works Committee that has jurisdiction, was completely bypassed. The Judiciary Committee, as everybody knows from the report, barely had an opportunity to legislate.

Now, what did we get? We got a bill written in back rooms, cloakrooms—who knows where—offices. It comes to the floor, and now we are trying to write legislation. So it is difficult when you are weighing the impact of each of these words to do it in an afternoon, with a Whitewater hearing and a Bosnia debate and all the other meetings that we go to. It is not a question of bad faith.

Mr. JOHNSTON. Will the Senator yield.

Mr. KERRY. Let us look at the rulemaking petition process. Here is what it says:

Each agency shall give an interested person the right to petition.

So we are opening up to everybody in America the right to petition.

For the issuance, amendment or repeal of a rule, for the amendment or repeal of an interpretive rule or general statement of policy or guidance, and for an interpretation regarding the meaning of a rule, interpretive rule, general statement of policy or guidance.

There are 14 different things that somebody can come in and just petition, ''I want this changed.''

The agency is then required to grant or deny a petition and give written notice of its determination to the petitioner with reasonable promptness but, in no event, later than 18 months afterwards.

So all of these requests could come in. You have a fixed period of time to provide the answer. You have no additional personnel to do it.

The written notice of the agency's determination will include an explanation of the determination and a response—

LEGISLATIVE BRANCH APPROPRIATIONS FOR FISCAL YEAR 1996

The Senate continued with the consideration of the bill.

VOTE ON MOTION TO TABLE AMENDMENT NO. 1803

The PRESIDING OFFICER. The hour of 2:30 having arrived, by previous order, the question occurs on agreeing to the motion to lay on the table amendment No. 1803 offered by the Senator from Wisconsin [Mr. FEINGOLD]. 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 Hawaii [Mr. INOUYE] is necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of attending a funeral.

I further announce that, if present and voting, the Senator from Delaware [Mr. BIDEN] would vote ''nay.''

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

The result was announced—yeas 41, nays 57, as follows:

[Rollcall Vote No. 313 Leg.]

YEAS—41

Abraham	Faircloth	Mack
Ashcroft	Frist	McConnell
Bennett	Gorton	Murkowski
Bond	Gramm	Nickles
Burns	Grams	Packwood
Campbell	Grassley	Roth
Chafee	Gregg	Santorum
Coats	Hatch	Shelby
Cochran	Hutchison	Simpson
Coverdell	Inhofe	Smith
Craig	Kempthorne	Stevens
D'Amato	Kyl	Thomas
DeWine	Lott	Thurmond
Dole	Lugar	

NAYS—57

Akaka	Daschle	Heflin
Baucus	Dodd	Helms
Bingaman	Domenici	Hollings
Boxer	Dorgan	Jeffords
Bradley	Exon	Johnston
Breaux	Feingold	Kassebaum
Brown	Feinstein	Kennedy
Bryan	Ford	Kerrey
Bumpers	Glenn	Kerry
Byrd	Graham	Kohl
Cohen	Harkin	Lautenberg
Conrad	Hatfield	Leahy
Levin	Nunn	Sarbanes
Lieberman	Pell	Simon
McCain	Pressler	Snowe
Mikulski	Pryor	Specter
Moseley-Braun	Reid	Thompson
Moynihan	Robb	Warner
Murray	Rockefeller	Wellstone

NOT VOTING—2

Biden	Inouye

So, the motion to lay on the table the amendment (No. 1803) was rejected.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1807 TO AMENDMENT NO. 1803

Mr. DOLE. Mr. President, I send a perfecting amendment to the Feingold 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 Kansas [Mr. DOLE] proposes an amendment numbered 1807 to amendment No. 1803.

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

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

The amendment is as follows:

Strike all after the word SEC. and insert the following: ''It is the sense of the Senate that before the conclusion of the 104th Congress, comprehensive welfare reform, food stamp reform, Medicare reform, Medicaid reform, superfund reform, wetlands reform, reauthorization of the Safe Drinking Water Act, reauthorization of the Endangered Species Act, immigration reform, Davis-Bacon reform, State Department reauthorization, Defense Department reauthorization, Bosnia arms embargo, foreign aid reauthorization, fiscal year 1996 and 1997 Agriculture appropriations, Commerce, Justice, State appropriations, Defense appropriations, District of Columbia appropriations, Energy and Water Development appropriations, Foreign Operations appropriations, Interior appropriations, Labor, Health and Human Services and Education appropriations, Legislative Branch appropriations, Military Construction appropriations, Transportation appropriations, Treasury and Postal appropriations, and Veterans Affairs, Housing and Urban Development, and Independent Agencies appropriations, reauthorization of the Older Americans Act, reauthorization of the Individuals with Disabilities Education Act, health care reform, comprehensive campaign finance reform, job training reform, child support enforcement reform, tax reform, and a ''Farm Bill'' should be considered.

Mr. DOLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, I yield to the Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I had earlier offered a second-degree

amendment which listed a variety of issues that the new Republican majority feels should be addressed in this Congress. Then there was a motion made to table the underlying Feingold amendment, which was defeated.

I point out there were 41 votes in favor of the motion to table, therefore against the Feingold amendment. I think it is reasonable to assume that, if there were an effort to force this Democratic agenda item onto this——

The PRESIDING OFFICER. The Senator will suspend. The Senate will be in order.

Mr. MCCONNELL. Mr. President, I think it is reasonable to assume, given the outcome of the Feingold sense-of-the-Senate resolution, that any effort to, essentially, muscle this Democratic agenda item onto the Republican Senate would likely be greeted with a filibuster. But of course that was just a sense-of-the-Senate resolution. I suppose people can read into it whatever they choose.

The second-degree that the Republican leader has forwarded to the desk simply adds campaign finance to the whole litany of other issues. It listed a whole variety of things the Senate ought to be addressing and simply adds campaign finance to it. Those who feel campaign finance ought to be on the agenda of the 104th Congress surely ought to have no objection to the amendment now before us.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there further debate? The Senator from Wisconsin.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DOMENICI. Mr. President, I rise in support of H.R. 1854, the legislative branch appropriations bill for fiscal year 1996.

The bill, as reported provides $2.1 billion in new budget authority and $2 billion in outlays for the Congress and other legislative branch agencies, including the Library of Congress, the General Accounting Office, and the Government Printing Office, among others.

When outlays from prior year appropriations and other adjustments are taken into account, the bill totals $2.2 billion in budget authority and $2.3 billion in outlays. The bill is under the subcommittee's 602(b) allocation by $38 million in budget authority and less than $500,000 in outlays.

I want to commend the distinguished chairman and ranking member of the legislative branch subcommittee for producing a bill that is substantially within their 602(b) allocation.

I am pleased that this bill incorporates most of the changes endorsed by the Republican Conference last December and achieves the goal of reducing legislative branch spending by $200 million from the 1995 level. It is important that the Congress set an example for the rest of the country by cutting its own spending first.

Another important feature of this bill is that it provides an increase of $2.6 million over the 1995 level for the Congressional Budget Office to enable that agency to meet the new requirements that were created in the Unfunded Mandates Reform Act passed earlier this year.

I urge the Senate to adopt this bill and to avoid offering amendment which would cause the subcommittee to violate its 602(b) allocation.

I ask unanimous consent that a table relating to spending totals be printed in the RECORD.

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

LEGISLATIVE BRANCH SUBCOMMITTEE

[Spending totals—Senate-reported bill; fiscal year 1996 in millions of dollars]

Category	Budget authority	Outlays
Nondefense discretionary:		
Outlays from prior-year BA and other actions completed	.....	206
H.R. 1854, as reported to the Senate	2,130	1,981
Scorekeeping adjustment	.....	.....
Subtotal nondefense discretionary	2,130	2,188
Mandatory:		
Outlays from prior-year BA and other actions completed	92	92
H.R. 1854, as reported to the Senate	.....	.....
Adjustment to conform mandatory programs with Budget Resolution assumptions	−2	−2
Subtotal mandatory	90	90
Adjusted bill total	2,220	2,278
Senate Subcommittee 602(b) allocation:		
Nondefense discretionary	2,168	2,188
Mandatory	90	90
Total allocation	2,258	2,278
Adjusted bill total compared to Senate Subcommittee 602(b) allocation:		
Nondefense discretionary	−38	−0
Mandatory	.....	.....
Total allocation	−38	−0

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. KEMPTHORNE. Mr. President, I rise today in strong support of H.R. 1854, the legislative branch appropriations bill. I especially want to thank Senator MACK, the subcommittee chairman, for his commitment to fund the Congressional Budget Office at a level which will allow the CBO to carry out the duties given them under the Unfunded Mandates Reform Act of 1995. The $2.6 million appropriation included in this bill for CBO provides the necessary funding and staffing to allow them to perform the cost estimates required under the Mandates Reform Act without inhibiting their ability to perform their primary responsibilities. As the committee report stated, failure to do so would create an unfunded mandate within the Congress itself.

The Unfunded Mandate Reform Act of 1995 passed both Houses of Congress with the support of more than 90 percent of the Members in each body and it deserves a commensurate level of fiscal support to fulfill its mission. It is important legislation that forms the cornerstone for the congressional reform that is taking place in the 104th Congress. Senator MACK was an early cosponsor of my mandate relief legislation and he never waived from his commitment to see it enacted into law.

AMENDMENT NO. 1804 WITHDRAWN

Mr. DOLE. Mr. President, I ask unanimous consent that amendment No. 1804 be withdrawn and the vote occur at 4 p.m. on amendment No. 1807.

So the amendment (No. 1804) was withdrawn.

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

Mr. DOLE. That will accommodate one of our colleagues on the other side and also permit the Senator from South Carolina to proceed with his amendment.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 1808

Mr. HOLLINGS. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. Does the Senator wish to offer an amendment to the bill itself or to the pending amendment?

Mr. HOLLINGS. If there is no objection, to the bill itself.

The PRESIDING OFFICER. Without objection, the pending amendment will be temporarily set aside, and the clerk will report.

The bill clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself, Mr. HATCH, Mr. STEVENS, Mr. ROBB, Mr. LIEBERMAN, Mr. WELLSTONE, and Mr. KENNEDY, proposes an amendment numbered 1808.

Strike page 29, line 6, through page 30, line 20, and insert in lieu thereof the following:

For salaries and expenses necessary to carry out the provisions of the Technology Assessment Act of 1972 (Public law 92–484), including official reception and representation expenses (not to exceed $5,500 from the Trust Fund), $15,000,000: *Provided,* That the Librarian of Congress shall report to Congress within 120 days after the date of enactment of this Act with recommendations on how to consolidate the duties and functions of the Office of Technology Assessment, the General Accounting Office, and the Government Printing Office into an Office of Congressional Services within the Library of Congress by the year 2002: *Provided further,* That notwithstanding any other provision of this Act, each of the following accounts is reduced by 1.12 percent from the amounts provided elsewhere in this Act: ''salaries, Office of the Architect of the Capitol, Architect of the Capitol''; ''Capitol buildings, Architect of the Capitol''; ''Capitol grounds, Architect of the Capitol''; ''Senate office buildings, Architect of the Capitol''; ''Capitol power plant, Architect of the Capitol''; ''library buildings and grounds, Architect of the Capitol''; and ''salaries and expenses, Office of the Superintendent of Documents, Government Printing Office'': *Provided further,* That notwithstanding any other provision of this Act, the amounts provided elsewhere in this Act for ''salaries and expenses,

General Accounting Office,'' are reduced by 1.92 percent.

Mr. FEINGOLD. Mr. President, will the Senator yield for just a moment?

Mr. HOLLINGS. I ask unanimous consent that I may yield to my colleague from Wisconsin without losing the right to the floor.

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

Mr. FEINGOLD. Thank you, Mr. President. I thank the Senator from South Carolina very much.

I just want to briefly comment on what we just resolved with regard to the campaign finance reform issue.

I am very gratified by the bipartisan vote, very strong vote, including 11 Members on the opposite side of the aisle, against tabling the sense-of-the-Senate resolution with regard to the issue of bringing up and considering campaign finance reform during the 104th Congress. It is one of the strongest bipartisan votes we have had on this floor during this 104th Congress.

Now the majority leader has suggested that as a perfecting amendment. In addition to a number of items that were originally in the Mack substitute that did not include campaign finance reform, they have now offered to include in that list—for the first time—campaign finance reform. It is something that should be considered during the 104th Congress.

Mr. President, this is precisely what we had hoped for, a vote by the Senate. I hope, given the fact that it is the majority leader's intention to support his own proposal, that we will have very, very strong bipartisan support to add that to the list.

This is a shift from earlier in the day when the proposal by the Senator from Florida listed many important items but did not include—in fact excluded—campaign finance reform.

So we are extremely pleased that we will have the vote, another vote in addition to the other one that we had, with the vote which was very strong, to indicate that before we leave here in the 104th Congress on a bipartisan basis we should reform this terrible system.

I again thank the Senator from South Carolina for his courtesy.

Mr. HOLLINGS. Mr. President, I thank the distinguished colleague. I thank the Chair.

Mr. President, this amendment is one to retain the Office of Technology Assessment. It first occurred over on the House side. The bill came out of the committee abolishing the Office of Technology Assessment but on the floor the House added $15 million for its continuance, taking it out of the hide of the Library of Congress.

On yesterday, Mr. President, at the full appropriations committee markup, I offered an amendment. I was not quite prepared then, and I should be better prepared at this moment. Yesterday, I was not quite prepared because I wanted to present the amendment without cutting the Library of Congress. The fact of the matter is we had a very close vote, and if I had had the proxies of absent Members, this amendment would not be necessary today. It would have been adopted in committee and on the bill at the moment.

Be that as it may, Mr. President, I have now clarified the provisions of this $15 million. The President's budget for the Office of Technology Assessment is some $22 million, and this continues OTA but levels a 30-percent cut, at a level of $15 million, to be obtained from a 1.12-percent cut from the various legislative accounts—the Office of the Architect of the Capitol, the Capitol Building, Capitol Grounds, Senate office buildings, the Capitol Power Plant, the salaries and expenses of the Superintendent of Documents, the Government Printing Office, and a 1.92-percent cut out of the GAO. We thought, twofold; one, we could make that a little over 1-percent cut across the board, obtain the $15 million, keep OTA in harness, and otherwise, Mr. President, have a study recommendation made by the distinguished colleague from Alaska, who is no longer but served with distinction as the chairman of the Office of Technology Assessment. His suggestion was that we have a study on how best to consolidate the various legislative or congressional services within this segment of the budget and save money.

There is no question that this amendment not only saves OTA, but it saves money. It is bipartisan. I offer this amendment for myself, Mr. HATCH, Mr. STEVENS, Mr. ROBB, Mr. LIEBERMAN, Mr. KENNEDY, Mr. WELLSTONE, and others who support this legislation. We have now solved the problem relative to the Library of Congress; Dr. Billington—and he is a good friend and an outstanding librarian—has been doing his homework.

Mr. President, I do not have charts or prepared statements. I agreed to limit my comments without charts so let me get right to the heart of the matter.

Back in the Nixon administration, they abolished the Office of Science Adviser, and at that particular time the various committees were crowding in saying we have to learn about this, we have to know about that. We always referred it to the Office of Science Adviser. We could depend on it; it had credibility.

They said, let us get together in a bipartisan fashion, which we did, with alternating between the House and the Senate as chairman, alternating between Democrats and Republicans. We have had quite a successful administration at the Office of Technology Assessment.

One way it saves us money is by having these distinguished boards, advisory panels, counseling the Office of Technology Assessment. They are comprised of college presidents, heads of the science departments from the institutes of technology, and others around the country who give outstanding assistance free of charge, counseling on the various technological questions.

If we go right to it, I think one of the principal objections is that the needs for these studies will not go away. If each committee crowds in on the technological needs for information from the General Accounting Office, obviously the General Accounting Office will go out and hire all of these people and meet themselves coming around the corner having in all probability expended more money.

Now, what is wrong? This crowd—and I guess I am in on it, too, because I get frustrated on figuring out where you try to save money. I have been through the exercise of freezes, the cuts of Gramm-Rudman-Hollings, a value-added tax allocated to the deficit and all the other attempts made to get us in the black. Unfortunately, in today's political climate, individual chairmen come around and say, ''Well, I have got to eliminate something.'' And more or less, if this amendment passes, it would take away a Brownie point from their political resume.

It is easy to go campaign next year and say, ''I am for economy, and I got rid of the Office of Technology Assessment. That is saving $15 million.'' Come on. Two nights ago ABC reported on a particular misguided missile, $4 billion. You never heard this crowd that is fussing about $15 million—we took almost 2 hours in the Appropriations Committee trying to save $15 million or trying to sustain the need to know of the Members of this Congress. But they do not talk about that $4 billion.

Now, that is where the Congress ought to really be working. Do not come around here to get a Brownie point on a political resume about how we saved and got rid of the Office of Technology Assessment. That is good in the 20-second bite. They will not just say how much they saved and everything else of that kind. But instead they cry in frustration, ''Well, if we can't cut this, where can we cut?''

I can give them a list. I voted this morning against the space station. I was former chairman of Commerce, Science, and Transportation. I do not like to vote against the space station, but I am trying to maintain the space program. And you see, you learn from experience. They came forward with the space station at $8 billion. The next thing you know it was at $17 billion. The next thing you know it was $30 billion. We have had four revisions of cutting it back until all I think we are going to get is the booster or the thruster up in space and we'll call it a station before we get through.

Now they have a new angle—that it is a matter of comity with the Soviets and everything else. Fine business. If we were fat, rich, and happy, a space station could well be in order. But we are broke. This Congress and Government around here for 15 years now has been spending on an average of $200 billion more than we are taking in. So we

are not paying our way, and we have to not just cut; we have to forgo.

Another one, AmeriCorps. I believe in voluntarism, but I expect it. We had it when we had Hurricane Hugo. I stood in the rain that weekend, and we counted up volunteers from 38 States that had come around to help us. The first plane that landed in Hurricane Andrew or whatever it was down there at Homestead was our plane that carried generators, clean water, and personnel. We had Spanish-speaking police officers, and you saw them at Hurricane Andrew in the recovery. No cost to Florida, we sent them down from Charleston.

The people of America believe in volunteering, and they will continue to work to help their neighborhoods. Oh, it is good to say on your resume I believe in voluntarism and I voted for AmeriCorps. But instead, I withheld my vote. So I have been saving the money.

So do not come around here saying, ''Oh, if we cannot get rid of this.'' You are not getting rid of it. The need is there. What you are doing is eliminating the most economical approach, the most technologically adept approach to this technological need.

Now, that is the best statement I can make. I note that some of the other Senators want to talk, but I can mention some of the examples of where we save the Government not just millions but billions.

The distinguished Senator from Alaska, I do not know whether he can approach the floor. On yesterday, we talked about the spectrum auction, and that came out of the Office of Technology Assessment. And we put it up, and in the last 2 years now we have brought to the Government $12 billion—not $15 million, $12 billion—from those auctions. So here is a money-making entity.

Those who are frustrated and say, ''If I cannot cut this, where can I cut?'' I cannot understand those who are committed to ignorance. We are trying to find out. We are trying to learn. We, who have been dealing with the Office of Technology Assessment, study very closely and look at their particular commitments. We just do not take anything and everything.

In fact, all of the requests made are bipartisan. They come from the chairmen and the ranking members of the committees themselves. We get way more requests than we respond to and cannot take on each and every question that would come. So it comes with a real need from the Congress itself. OTA has responded. It has done a professional job. There is no criticism in this debate about the quality of work.

I am not going to try to overwhelm you and bring all the studies and everything else. But we can get into a few of them. I am pleased—I have checked this amendment through with our distinguished ranking member, the Senator from Washington, and I will be glad to adjust it.

Do not tell me that we can give everything to GAO; we know GAO can do it. That is not true. I worked closely for years as chairman of the Legislative Appropriations Subcommittee, working with Elmer Staats and everything else. What we had to do was cut out all the term papers that were being made for high school graduates and everything over there. They will take on anything to keep the work going. Let us not do that. Let us keep the Office of Technology Assessment at an economical price and continue it and not abolish it in the political urge to get rid of something here.

I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, there is no one in the Senate I have more respect for than the junior Senator from the State of South Carolina. But having said that, I am not sure who would have won in the Appropriations Committee if all the proxies had been given. That is something we do not know. The fact of the matter is, this amendment was brought up before the Appropriations Committee in an effort to remove this, and that amendment lost.

Mr. President, I, for 6 years, served as chairman in the Legislative Branch Subcommittee of the Appropriations Committee. And we went through some very rough times. In prior years, there was quite a bit of money to pass around in the legislative branch. There came a time when there had been cutbacks in Washington generally, and no place has it been focused more than in the legislative branch. So for my friend from South Carolina to talk about going into the black box where all these secret things are, or the A–12, we all know that we cannot do that here today. We are bound by what is in the Legislative Branch Subcommittee of Appropriations. That is all we can deal with. We cannot deal with A–12's, space stations, or black box matters. We have to deal with what we have in this very tiny little Appropriations subcommittee.

And what we have is the fact that we have to cut $200 million from this subcommittee. This amendment will cut approximately—this—what has been done on the subcommittee level takes approximately $22 million. It is a tremendous step forward to arriving at the goals we have to meet.

Mr. President, the Office of Technology Assessment is a luxury. It is something that would be nice to have if we had lots of money like we used to have. But we do not have the money that we used to have, and we have to look someplace to make cuts. The amendment offered in the Appropriations Committee took the money from the Library of Congress. Well, it is obvious that that has not sold very well. And now, there is an across-the-board cut, cutting things like the General Accounting Office.

Mr. President, if there has been one entity that has been hit hard in the legislative branch for the past 6 years, it has been the General Accounting Office. Last year, the General Accounting Office was hit with $69 million in cuts. This next year, it is $45 million in cuts. It has been cut back about 25 percent, and that is a significant cut for the watchdog of Congress. The General Accounting Office has saved this country billions and billions and billions of dollars. And they are now cut back to the point where they have significantly cut back on the work that they can do, the requests that we make to them that they can meet. The Office of Technology Assessment did 50 major reports last year, 50 major reports for $22 million. Now, Mr. President, CRS, where the money was originally to be taken, an example of a different workload, CRS did 11,000 reports last year.

The work the OTA does can be done by other agencies. I have had the OTA do work for me. They do fine work. But we do not have the ability to have in our garage three Cadillacs. We have to start cutting back until we wind up with maybe two Chevrolets, or I should say a Ford and a Chevrolet, or maybe a Ford and a Chrysler, however you want to combine it. But, Mr. President, we cannot have three luxury automobiles anymore. All we can have is the General Accounting Office and all we can have is the Congressional Research Service, which the congressional staff depends on around here to meet the requests of constituents at home and Members of the Senate. Our staffs depend on the Congressional Research Service. They did not depend on the Office of Technology Assessment.

Now, Mr. President, I say that the work of the OTA can be done by other agencies. The General Accounting Office can do their work. They are not a bunch of accountants. They have scientists there. They call in scientific panels all the time. We have been told in this debate that they have distinguished boards, advisory panels. Well, that is not hard to copy. That is not hard to do. The General Accounting Office does the same thing.

It is interesting to note, in one of the most scientific matters we have had before this body in a decade, namely, the superconducting super collider, we did not see a word from the Office of Technology Assessment on the superconducting super collider—one of the most scientific measures brought before this body in the last decade. OTA did not write a report on it.

I repeat the words of the Senator from South Carolina: If we cannot cut funding for this agency, then we cannot cut funding for anything. If this is not fat and something that we do not need, then there is not anything we can do—$22 million in this very tiny little subcommittee.

The proposed amendment attempts to keep OTA alive. We do not kill things around here; we just kind of choke them to death. What we are

going to wind up doing with all these budget cuts is having a significant number of entities, none of which work very well—OTA cutting at 25 percent. I respectfully submit to this body that the budgets in this Legislative Branch Appropriations Subcommittee are stretched to the near breaking point.

We have heard a lot about the Library of Congress and we should hear a lot about the Library of Congress. We have worked very hard to maintain the structure of the Library of Congress. The Senator from South Carolina indicated what they have done in the House is they said, ''Well, we are not going to cut OTA. We will have the Library of Congress do it.'' What kind of way is that to do business; $16 million out of the Library's budget? That is what they are going to go to conference on. That is the House's position. That is not the way to run Government. It is certainly not the way to run a business.

Mr. President, we cannot, in my opinion, having worked on this subcommittee for 6 years, continually cut these entities that make up this Legislative Branch Appropriations Subcommittee: The General Accounting Office, cut to the very core. The Government Printing Office cut, cut. We have significant security needs. We are doing our best to maintain those. This amendment will take from that.

I just do not think it is right that we have an entity that did 50 reports last year—CRS did 11,000, the General Accounting Office did hundreds and hundreds of reports. We all recognize there is no agency that we depend on more than the Congressional Research Service.

Mr. President, I respectfully submit, I repeat, that the time has come when we as Members of Congress have to make some decisions. We cannot have everything as we used to. We have to make some cuts. And we can only work with what we have. I repeat: We cannot go out and look at A–12 airplanes, black box matters. We cannot look at space stations. We can only look at what the law allows us to look at. That is this Appropriations subcommittee that deals with the things that run the legislative branch.

I call upon my colleagues to defeat this amendment. In the gesture of what we are trying to do around here, to make a more efficient Government, to save money, we are going to have to eliminate programs, we are going to have to eliminate entities and agencies around here. That is the only way we can do it. We cannot keep everything and take a little bit here and a little bit there. We have to start making major decisions. This is a major decision. This involves almost $22 million a year.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I speak in support of the amendment of the Senator from South Carolina, Senator HOLLINGS. I am also expressing my support for preserving the Office of Technology Assessment. I am not here to make a case that it be preserved with a certain amount of dollars. I am not here to make a case that we maintain the status quo. I am not here to say that OTA can not function with less people. I am not even here to say that you ought to maintain the Office of Technology Assessment Board, and I am a member of that board.

I am here to say that OTA ought to continue or at least its function as a congressional aid ought to be maintained. We need OTA because it provides information so that we can identify existing and probable impacts of technological application. The application of technology impacts upon a lot of public policy that we make in the Congress of the United States.

We need to have a great deal of confidence in the information that is available for changes in public policy or the creation of public policy.

Before I ever came to Congress, Congress saw the need for this sort of information. By statute, OTA must secure unbiased information regarding the impact of technological application.

OTA is one of the few truly neutral sources of information for the Congress. In a very real sense, OTA is our source of objective counsel when it comes to science and technology and its interaction with public policy decision making.

There are plenty of places for information in this town, but so many of these sources of information come from the private sector—and there is nothing wrong with the private sector; there is nothing wrong with organizations protecting their own interests, even if it is in the area of science and technology. But if we do not have an unbiased source of information, then we have to rely on organizations with a stake in keeping alive programs that benefit their interests.

Special interests can fund research, that goes without saying. But it seems to me that Congress ought to have an independent source of information representing all interests in science and technology. Pretty much the same way that the subcommittee has made a determination that a lot of other agencies that it funds ought to exist because of their independence. The General Accounting Office is an example. The subcommittee this year decided that the General Accounting Office should get less money next year than this year and it that it ought to be streamlined and have staff reductions. But that respected organization is being maintained because the subcommittee felt that a postaudit agent, that is responsible to the Congress, should continue to exist.

It is not any different for science and technology. We ought to have an independent source of information, unbiased, not tied to any special interest. The information that OTA provides comes to us and we use it to determine public policy that has a scientific or technological basis.

It goes without saying that except for a few professionals here and there, like a medical doctor or an engineer, there are not very many Members of Congress who are experts in technical and scientific issues. Of course, we have our personal staff and we have committee staff. But our committee staffs lack the time and the expertise to do in-depth analysis of these issues. OTA can do that.

Congress is not made up of a wide range of professional backgrounds. Two-thirds of the Senators are lawyers. Half the House of Representatives, I believe, is made up from the profession of law.

As I remind you so often, there are only a few of us in this Congress who are farmers. But I would not rely on my judgment on highly technical and highly scientific agriculture issues the same way that I can rely upon OTA when they do studies in these areas that are so essential to agriculture. It puts me in a much better position, and my colleagues in a much better position, to make decisions on agricultural policy based on science and technological based information.

Neither the Federal Government nor the private sector can do analysis geared to the particular interests of congressional committees. OTA can do just that. And it is the smallest and the least expensive congressional agency.

OTA is intimately interfaced with Congress through its bipartisan Technology Assessment Board. I am a member of that board and know something about the operation of it. The board does not need to exist just because I am a member of it.

It does not matter whether CHUCK GRASSLEY is a member of that board or not; you can eliminate the Board, if you want, but still keep OTA's function. There might be better ways to get the job done than the way it was originally set up.

OTA works closely with Congress through its bipartisan Technology Assessment Board. The Board is equally made up of Democrats and Republicans. I have served on this board since 1987 and I can certify the Board ensures compliance with statutory and procedural requirements for each OTA project. This is a unique governance for oversight purposes. Other agencies—like GAO—do not have this special bipartisan group overseeing their operation.

I want to assure all my colleagues that OTA resources are carefully managed in this bipartisan way, and I can certify that the OTA board carefully screens for—and most importantly, does not allow duplicate work. Projects are not self-generated; they are initiated at the request of congressional committees. The committees that have

requested the most studies are the Senate Commerce, Science and Transportation; Senate Energy and Natural Resources Committee; Senate Environment and Public Works Committee; Senate Governmental Affairs Committee; Senate Agricultural, Nutrition, and Forestry Committee; Senate Armed Services Committee; Senate Finance Committee; Senate Veterans' Affairs Committee; and the Senate Committee on Indian affairs.

A few of my colleagues have said that the GAO can do the work that OTA currently does. I disagree. I do not show any disrespect for the General Accounting Office in regard to that. In fact, I have been a requester of help from the General Accounting Office and they do a good job. But the General Accounting Office is not equipped to do the highly technical and scientific work that is done by OTA.

Let me explain the backgrounds of the staff of the particular agencies. The General Accounting Office's staff, process, and traditions are primarily those of an audit and program evaluation unit. Only four percent of the GAO staff have Ph.D's, and few of these doctorates are in science and engineering. In contrast, 58 percent of OTA's staff has Ph.D's in these areas, and half of those hold degrees in hard sciences. The GAO has relied on prior or concurrent work of the OTA for scientific and technical aspects of the study.

It seems to me that speaks more to the point raised about what GAO can do and not do in this area than anything I can say. GAO relies on OTA for highly scientific and technological information.

As we continue moving into a highly technical world, we must ensure that we know how public policy impacts future trends and the reverse of that. OTA provides a very high level of expertise to help us understand these trends, while balancing the views of opponents and proponents of various courses of action.

OTA translates modern technical material for legislative and oversight purposes and gives us a heads up on important but complicated science and technology issues in areas like space, defense, and energy.

OTA's studies on energy crops, for example, are particularly important for farm States such as mine. Their study on the ''Potential Environmental Impact of Bioenergy Crops'' showed that energy crops, such as switch grass, could have net environmental benefits, rebutting the concerns of certain environmentalists.

This study and other studies they have done are going to be very helpful as we debate the farm bill and as we look for new crops to maintain the viability of the farm community. As the domestic supplies of oil and gas diminish and dependence upon foreign sources continues to increase, we will be looking for new ways, even beyond ethanol, for instance, to use farm products to fuel our machines and vehicles. That is also an issue regarding the energy independence of our country, for national security purposes. OTA is doing very good work on renewable bioenergy fuels for transportation which can help us address our economic issues in rural America.

In addition, OTA helps the Congress make decisions that save the U.S. Government money.

I have some examples of where OTA actually helped us save money. OTA's study of the Social Security Administration plan to purchase computers saved $368 million. OTA's cautions—a while back now, I might say—about the Synthetic Fuel Corporation helped to secure $60 billion of savings.

Let me explain that to you. Many thought that it would take $80 billion to do the work of the Synthetic Fuel Corporation. OTA testified that $80 billion was an overestimate. In the final analysis, Congress put up only $20 billion for the Synthetic Fuel Corporation. This saved the taxpayers $60 billion.

OTA's studies of preventive services for Medicare have assisted legislative decisions for the past 15 years. Studies of pneumonia vaccines and pap smears that showed Medicare would save money by paying for these medical services for the elderly, and Medicare patients would save money. Both proposals passed as legislation.

OTA's work on nuclear power plants has played a central role in eliminating poorly conceived and burdensome regulations on the U.S. power industry.

I urge you to look very closely at the amount of money that is being spent on OTA. I urge you to look very closely at whether the number of people employed is the right number. I urge you to look at the administrative setup. I even urge you to consider abolishing the board of the Office of Technology Assessment, if you want. But I also urge you to look at the product of the OTA, and you will come to the same conclusions in 1995 that Congress came to when it was set up: that we need independent sources of information, particularly in science and technology, which we did not have and we will not have after this day if this is abolished.

I firmly believe, Mr. President, that OTA offers a unique and essential service for Congress, and I am very impressed with OTA's credible analyses of the developments in technology and related public policy issues. I urge my colleagues to support this amendment that preserves the functions of the Office of Technology Assessment.

Mr. GLENN. Mr. President, ''What's Good from Government.'' Now there is a topic you do not see often these days. Yet on May 15, 1994, this was the title of an article that appeared in Library Journal discussing the sixty-three finest government publications in 1993. Out of the 20 selected federal government publications that were honored, three of these reports were issued by the congressional Office of Technology Assessment, including one called, ''Proliferation of Weapons of Mass Destruction: Assessing the Risks.''

Here is what Keay Davidson, a reviewer in the San Francisco Chronicle had to say about the report on April 7, 1995:

> For years, OTA has generated some of the most readable and useful reports imaginable about US research and its impact on social, political, military and economic policy. I always look forward to its reports, which are extraordinarily clear, thoughtful and well-illustrated—extraordinary considering that they come from a government agency. When's the last time you actually enjoyed reading a government document? Not long ago I was on a plane flight, completely absorbed by an OTA report on US efforts to control nuclear weapons and other ''technologies of mass destruction.''

The distinguished journal, Foreign Affairs reviewed another report in a recent series of OTA studies on nonproliferation and came to the following conclusion: ''The Office of Technology Assessment does some of the best writing on security-related technical issues in the United States, as evidenced by this excellent volume.''

Of course, this is not the first time that OTA has been recognized for excellence. The June 1989 issue of Washington Monthly featured a story on OTA, holding it up as a model for the rest of the government—over a picture of the Lincoln Memorial, the Washington Monument, and the Capitol, the cover of this journal declared, ''At Last! A Government Agency That Works.'' Indeed, in the last 4 years, 24 OTA reports have been selected in national competitions as among the best government publications nationwide, even worldwide.

None of this acclaim surprises me. OTA has had a long and distinguished track record of publishing informative studies on nonproliferation issues. In 1977, OTA issued a 270-page book on Nuclear Proliferation and Safeguards that is still valuable reading. In a hearing on April 4, 1977, of the Subcommittee on Energy, Nuclear Proliferation, and Federal Services of the Committee on Governmental Affairs, I called this study a ''landmark document'' that ''will make a substantial contribution to everyone's understanding of this highly complex and emotionally charged issue.''

Highly complex indeed—I can say without doubt that halting the global spread of weapons of mass destruction is one of the most vexing problems that either the Executive or Congress has had to confront in modern times. The political and diplomatic problems of addressing this threat are bad enough. But the technological aspects of this problem are so complex that many public officials and citizens around the country have just given up—they need help to sort out the issues, weigh the stakes, and outline courses of action.

The OTA has responded to this need in a manner which brings credit not just to the agency, but to our system of government: I am proud that the U.S. Congress recognized the need for such

an agency 23 years ago. My purpose today, however, is to praise OTA for the specific work over the last few years on the subject of weapons proliferation. I urge all of my colleagues in the Senate and the House, even those who have called OTA ''a luxury we cannot afford,'' to sample some of the following reports on weapons proliferation issues.

First, ''Nuclear Safeguards and the International Atomic Energy Agency'' OTA–ISS–615, June 1995, 147 pages (released this month; also available in a 22-page summary).

This report reviews the origins of the IAEA, describes its safeguards system in terms that non-specialists can easily understand, discusses numerous options for strengthening the IAEA safeguards system, and outlines other possible initiatives to strengthen the global nuclear nonproliferation regime.

Second, ''Proliferation and the Former Soviet Union''; OTA–ISS–605, September 1994, 92 pages.

This report is essential reading for all who are concerned about twin problems of ''loose nukes'' and the ''brain drain'' following the breakup of the Soviet Union. The report documents specific problems with respect to weaknesses in national systems of nuclear accounting, controls over exports, and the ability to police borders.

Third, ''Export Controls and Nonproliferation Policy''; OTA–ISS–596, May 1994, 82 pages.

Here the OTA addresses the contributions and limitations of export controls as a tool of nonproliferation policy. The study offers insights and technical details about the export licensing process, in particular measures to make this process more efficient and effective in achieving nonproliferation objectives.

Fourth, ''Technologies Underlying Weapons of Mass Destruction''; OTA–BP–ISC–115, December 1993, 263 pages.

This report is a basic primer about the fabrication and effects of weapons of mass destruction. It is essential reading for anybody both for those who have official responsibilities to tackle this problem, and those who are simply curious about what all the fuss is about concerning these deadly weapons.

Fifth, ''Proliferation of Weapons of Mass Destruction: Assessing the Risks''; OTA–ISC–559, August 1993, 123 pages.

I have already discussed this award-winning above. If a reader has no background on proliferation issues and wants to read just one report for the clearest possible introduction to the subject, this is the report to read.

Sixth, ''The Chemical Weapons Convention: Effects on the U.S. Chemical Industry''; OTA–BP–ISC–106, August 1993, 69 pages.

The Senate will take up ratification of the Chemical Weapons Convention later this year. An important topic in this process will be the costs to US industry from complying with this Convention. Given that the treaty will cover controls over chemicals that are either produced or used throughout the nation, this study should be of great interest indeed.

If the publication of six major studies in less than two years is not enough to illustrate the productivity of this agency, critics might consider that OTA is well underway on yet another report in this series, this time on assessing US responses to proliferation after it has occurred.

Congress established OTA in 1972 after determining that, although the applications of technology are ''increasingly extensive, pervasive, and critical in their impact,'' no Executive or Legislative branch agencies were capable of providing Congress with ''adequate and timely information, independently developed, relating to [their] potential impact.'' In its 23 years, OTA has filled that need—and in an age when cost/benefit analyses will figure so prominently in evaluating Federal actions, I can think of no more greater need in Congress than for the types of skills and services that OTA offers today.

This is why the presidents of the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine have warned that closing OTA will diminish the quality of advice to Congress. Representing the interests of over 240,000 electrical engineers nationwide, the Institute of Electrical and Electronics Engineers calls OTA a ''highly regarded and respected institution'' that serves as an ''irreplaceable asset'' to Congress. The world's largest scientific organization, the American Association for the Advancement of Science, says that abolishing OTA would be a ''strategic error for Congress'' that would seriously harm the national interest.

OTA does not only prepare formal high-quality reports—Congress has repeatedly drawn upon the agency's in-house expertise to provide short-notice testimony, briefings, and replies to congressional questions on many high technology subjects on the policy agenda. Following the nerve gas attacks in Tokyo and the bombing of the federal building in Oklahoma City, for example, OTA staff were able to respond both promptly and comprehensively to repeated congressional questions.

To whom will Congress turn if the next explosion in an American city involves a weapon of mass destruction? Though the Executive can occasionally be helpful in providing information, there is no substitute for Congress having an independent, bipartisan source of expertise on exactly such technically-complex issues. I can assure my colleagues, I know where I would like to turn in the years ahead, to the Office of Technology Assessment.

I ask my colleagues to join me in saluting OTA for having performed its mission with dignity and professional excellence. This is not an agency Congress can do without.

Mr. PELL. Mr. President. I am in support of the effort to preserve the Congressional Office of Technology Assessment. The OTA, on whose board I currently sit, has been of profound and indispensable use to the Congress in the carrying out of its function of an independent source of complex, unbiased analysis of the technology issues facing our country today. I firmly believe that it would be short-sighted and unwise for us to eliminate entirely this agency, even as we strive to effectuate budget savings with the Legislative Branch.

The OTA was created in 1972 as a result of a far-sighted, bipartisan effort led by the Senate Committee on Foreign Relations then ranking Member, Senator Clifford Chase of New Jersey. It evolved from the need to have objective, expert analysis to assist the Congress in assessing the potential effects of a nuclear war on the United States. Again in the late 1970's, the OTA conducted a more comprehensive and detailed study on the same issue. These two studies were among the first comprehensive unclassified efforts to provide realistic assessments of just what nuclear war might mean for the citizens of this and other country's. They proved to be extremely valuable in helping inform the Congress as we developed national policy in this area.

Since those studies, the OTA has proved itself time and again in hundreds of studies across the board spectrum of technology assessment. Throughout its tenure, it has become recognized around the world of its cogent, professional, and unbiased work. It would be foolhardy to shelve that expertise now in a blind effort to simply slash budgets.

I am thankful that under the amendment, another revered and invaluable congressional institution, the Library of Congress, will not be subject to budget cuts in order to spare the OTA. Both of these organization have an exemplary record of in their service to the Congress and I am glad that a mean has been found to adequately preserve the functions of both.

I am hopeful that my colleagues will join me in this effort to preserve a scaled-back OTA and in doing so, insure that the Congress will continue to be able to make informed, reasoned decisions regarding the complex technology issues that it will inevitably face in the future.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, we are in an interesting time. I say that reminded me of the old Chinese curse, ''May you live in interesting times.'' I have been through this kind of time in my private life, and I would like to share with you some observations there, as I then addressed the question of what to do about the Office of Technology Assessment.

I remember visiting with a CEO of a fairly large corporation, and he told me

of a very difficult experience that he had just been through in his company. He said, ''I have just gone through the whole company, looked at everything, and ended up cutting back here, cutting back there, leaving a lot of blood on the floor, if you will, as I have had to clean up the company. And then I said to all of the employees who survived this exercise, this is it, this is as deep as we are going to cut, and you can all relax now because you have passed the test, and we have seen to it that everything that is excess, everything that is wasteful has been taken care of.''

Then, he said to me, ''I quietly in my own office went to my calendar, flipped the pages forward about 3 years, and wrote down, 'Do it again,' because I realized no matter how zealous we were in trying to keep from getting duplication and creating redundant services and getting too fat, no matter how hard we worked at it, in about 3 years time in our company we would suddenly wake up and discover we had too many people doing the same thing, and I would have this same kind of circumstance again.''

We do not do that in the Federal Government. That is, we do not go 3 years ahead and write down, ''Do it again.'' Instead, once something gets started, it continues, regardless of whether or not it has outlived its usefulness.

The PRESIDING OFFICER. We have a previous order to vote at 4 o'clock.

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

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call.

Mr. MACK. 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. 1807

The PRESIDING OFFICER (Mr. CRAIG). Under a previous order, the question is on agreeing to the amendment numbered 1807, offered by the majority leader, to the amendment numbered 1803. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The result was announced—yeas 91, nays 8, as follows:

[Rollcall Vote No. 314 Leg.]

YEAS—91

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

NAYS—8

Breaux	Hollings	Sarbanes
Bumpers	Mikulski	Simon
Dodd	Moseley-Braun	

NOT VOTING—1

Inouye

So the amendment (No. 1807) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1808

Mr. MOYNIHAN. Mr. President, I rise simply for the purpose of expressing the appreciation of this Senator—and I think I can speak for the Joint Committee on the Library—that the proposal pending by the distinguished senior Senator from South Carolina will not affect the Library of Congress. It has taken very severe budget cuts and budget freezes over the years. Its world function, its national role, and its indispensable service to the U.S. Congress would be in jeopardy were more to take place.

Our distinguished Librarian, Dr. James Billington, has made this clear in forceful, in cogent, and in concise terms. His argument has clearly prevailed.

I want to express my appreciation to the Senator for this purpose, and to state just incidentally my agreement—I am sure most of us will also agree that the Office of Technology Assessment has an important role. It has been here a quarter century. It was established for a role and it ought to continue. I simply want to make those comments.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DOLE. Mr. President, let me just indicate what I am doing here.

I am trying to determine whether or not we will go to S. 343, which is regulatory reform, which I had a right to do under the order. That is why I do not want to get bogged down with some other amendment because I need to give an hour or so, or some advance notice to the minority leader, Senator DASCHLE. Then there would be 1 hour of debate and then there would be a vote on cloture on S. 343.

Following that, we would, if cloture is not invoked, either move on to something else, or I assume somehow we get back to this bill, which I thought would take 2 hours. We started at 10 o'clock.

I want to accommodate the Senator if I can. Does he want to speak for 10 minutes or 15 minutes?

Mr. KENNEDY. Less than that. I know the Senator from Utah was addressing this issue as well. I am more than glad to either proceed or wait until after the Senator from Utah, and then at a time that the leader wants to gain control of the floor to make a request, I would withhold.

Mr. DOLE. If I could request that I be recognized at 5 p.m.

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

Mr. KENNEDY. Mr. President, I wanted to speak briefly——

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. But I understood from the Senator from Florida that the Senator from Utah was in the middle of a statement. I will be glad to wait until after he concludes.

Mr. President, I will yield the floor, but before doing so, I ask unanimous consent that when the Senator from Utah concludes, I might be recognized.

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

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Utah.

Mr. BENNETT. Mr. President, I thank the Senator for his courtesy.

It is true I was in the middle of a statement when the regular order intervened and we had the vote. I do not have much more to say, but I was in the middle of making the point that every organization inevitably ends up growing more than it really needs to. There is an inertia—it is almost organic—in organizations that says we start this, which is a good thing, and it grows a little, and then we start another, which is a good thing, and it grows a little. And just like a plant, organizations need to be pruned back every once in a while. I have done it in my business. I know there are others here who have business experiences who have had to do this.

As we address this OTA circumstance, it is my feeling that this is what we have here. OTA in my belief has been a good agency. It has done good work. I hear the Senators talk about its work, and I agree. If you look at just the OTA, you would come to the conclusion that it deserves to remain.

At the same time, Mr. President, that OTA was doing its work, the Library of Congress was building a capacity to deal with technology issues. At the same time, the GAO was looking into many issues that were the same kinds of issues as OTA. And as we looked at this within the committee, I came to the conclusion that we have simply proliferated capacity in this area throughout the Government, that it is time to prune the bush.

Now, I am sorry personally for those who are connected with OTA that they are the ones who have felt the pruning shears and that the function will be transferred, if we continue with the actions recommended by the subcommittee, to other agencies. This is always a wrench for the individuals involved, and they say, with some degree of fairness, ''Why me? I have done a good job. I have done what the Congress has asked me to do. I have produced a report that is of sound value. Why are you cutting back on me?''

Those of us who are in this position must look at the entire Government, not just one agency at a time. When we do that, we have to say to those who are feeling the effect of the pruning shears, if it were not you, it would have to be someone else because there is redundancy here.

We have the responsibility in the overall budget circumstance to do as the CEO I was referring to in my beginning remarks, go through and clean out the duplication and sharpen up the organization.

I realize this is not an exact analogy, but nonetheless it illustrates the point. I read a column recently where the columnist was talking about a television station that went off the air because of financial difficulties. They did not want to lose their license, so they said we in fact will keep broadcasting a signal while we work out our financial difficulties. They put on the air the picture of fish, tropical fish, and broadcast that 24 hours a day to keep their place. When they solved their problems financially, and they could go back to regular programming, they took the fish off the air and put on the regular programming. And what happened, Mr. President? They were deluged with phone calls complaining about the fact that they had canceled the fish.

It seems that once something gets started, it develops a constituency regardless of whether or not there are other options.

Now, I am not, as I say, suggesting in any way that the OTA is simply broadcasting of the fish, but they have developed a constituency that is appropriately calling for their preservation in an atmosphere when there are other facilities capable of doing this.

So painful as it is, Mr. President, difficult as it is to explain to the individuals who are doing a good job, I have come to the conclusion that as a total Government we have the capacity elsewhere to do what we have been doing in the OTA. It has become redundant because of what we have funded in the Library of Congress and in the General Accounting Office, and I support the subcommittee's report that says this is the place we shall prune.

I thank the Chair.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I know that there are other Members who want to speak, so I shall not take much time.

Mr. President, I wish to just review for the Senate where we are on this issue of OTA. The issue no longer is the size of the budget. That issue has been basically agreed to. So this is not something that is in addition. This is not something that we are adding. The total amounts in terms of the budget have effectively been agreed to and that really is not before the Senate.

The issue that is before the Senate is whether we are going to retain the capability of OTA to deal with technological issues which can be helpful to the Congress and to the American people generally. That is only the issue.

So we have to evaluate now whether that can be done with the existing agencies, the Congressional Research Service, or other agencies, or whether it is best to try to hold together the capability that has been developed in OTA, to be able to give advice, counsel, and judgment to the Congress on matters of technology that we are going to face in terms of the future.

That is basically the issue. Now, I say to my good friend from Utah, the fact is we have had the expression of the American Academy of Sciences, the Institutes of Medicine, American Academy of Energy, and science advisers to Republican and Democrat Presidents alike. All are in agreement that this function ought to be maintained. They had an opportunity to say no, let us separate out OTA and let it go to CRS or let it go to other agencies; we do not believe that it will really make much difference in the ability of Congress to get this information.

They were asked that very question, and the most important, prestigious institutes that deal with the most complex issues of technology and new technology and advanced technology have recognized and respected OTA for being the center of excellence for technology, to advise us in the Congress and Senate.

So if the issue of the budget is out of the way, we have to ask ourselves what is in the best interests really of the Congress generally, the House and the Senate, and even the executive and the public because these studies are made available to the public, and what is really the best way to do it, because you have to face the fact that we in the Congress are going to be faced with these technology issues into the future of this country—increasing technology, cutting edge technology, technology that is going to be at the heart of the American economy after the turn of the century and in many respects is there even now.

I can see in my own State with biotechnology, telecommunications, fiber optics, the wide range of new kinds of technology. And the question is, how does that impact the lives of the American people? And how will it affect that?

We do have a resource that is special, that has been recognized, not just by Members of Congress, but by the most prestigious, important and significant institutes that are dealing with these issues, that have made their judgment. And so whether it has been in those institutes or whether it is the CEO's of the top companies in this country that are devoting the greatest amount of their own resources in terms of technology that respect this expertise, whether it is the former science advisers under Republicans and Democrats alike, they have all come virtually to this conclusion: It is important to maintain OTA as an institute. Where it is going to sit and within the various framework of existing agencies is a matter of administration. And I think that could be worked out by reasonable individuals in the course of the conference with the House of Representatives.

But what we should not lose is that capability, that capacity, that kind of integrity which has been of value to this Congress on issues involving DNA, on new technologies in education, on the issues of polygraph. Their recommendations that they made to the Congress were later taken and put into law by Senator HATCH and myself. On instance after instance so many areas of important technology, OTA has been there. I have agreed with some of their conclusions, differed with others. I think every Member of the Congress realizes it really represents an extraordinary degree of knowledge and awareness and background and experience and really the best in terms of bringing evaluations of technology. It is an asset that we cannot afford to lose. And I hope very much that the amendment will be accepted.

I strongly support the amendment to maintain the Office of Technology Assessment as a valuable and needed arm of Congress.

OTA was created 23 years ago by the Technology Assessment Act of 1972. In the years since then, OTA has become a world-renowned source of information and analysis on current technology issues. It plays an invaluable role in helping Congress assess and apply scientific and technological advances for the benefit of the American people.

OTA's budget is currently $22 million. Clearly, OTA is prepared to tighten its belt substantially along with the rest of the Federal Government. In fact, under the able leadership of Dr. Roger Herdman, OTA has already taken major cost-cutting measures on its own initiative.

But regrettably, the bill before us proposes to eliminate this needed and unique agency.

Each year, OTA prepares dozens of formal assessments, background papers and case studies on subjects ranging from adolescent health to nuclear disarmament. OTA's well-researched and carefully reasoned reports are must-reading in the committees of Congress that address scientific issues, and in the executive branch and private industry as well.

OTA enjoys the full support of the scientific community. The American Association for the Advancement of Science has called it:

> Unique and highly respected . . . [a] model for legislative bodies around the world . . . Its demise would have serious negative impacts on Congress' ability to do its job well, and on the national interest.

The prospect that OTA might be abolished has also brought expressions of alarm from the National Academy of Sciences, the Institute of Medicine, and the National Academy of Engineering. It would be difficult to find any serious scientific organization that is not deeply concerned about the impact of this proposal on the quality of technology-related legislation.

The chief executive officers of Monsanto, Eastman Kodak, and many other Fortune 500 companies have expressed support for the agency. Science advisers to Republican and Democratic Presidents alike have endorsed OTA's preservation. These are not the reviews one would expect for an irrelevant or superfluous or unneeded organization. The experts outside the beltway know that modest funding for OTA is a wise investment for Congress and an excellent bargain for the Nation.

OTA's large impact on the legislative process is out of proportion to its relatively small size. Let me offer just a few examples:

In the wake of the Oklahoma City bombing, Congress debated a bill promoting technologies to help prevent terrorism and enhancing the ability of law enforcement agencies to apprehend those who commit such crimes. OTA had already laid the groundwork for this discussion. In July 1991 and in January 1992, OTA issued a pair of reports that evaluate technology for bomb detection and target hardening, airline passenger profiling, and other antiterrorism strategies. Not only were these reports helpful to those drafting counterterrorism legislation, but within days of the Oklahoma City bombing, OTA staff conducted indepth briefings on the subjects for Members of Congress and their staffs.

During the floor debate on medical malpractice 2 months ago, OTA's landmark studies on medical negligence and defensive medicine seemed to be in the hands of every Member. Senators KYL, MCCONNELL, and others made much of OTA's conclusion that ''the one reform consistently shown to reduce malpractice cost indicators is caps on damages.'' I was on the other side of that debate, but I had no cause to challenge OTA's credibility or impartiality.

OTA's study in the 1980's on polygraph testing is also a landmark document. It is recognized as the definitive review of scientific research on this topic. The report was used and cited extensively by the Senate Committee on Labor and Human Resources, then chaired by Senator HATCH, during the legislative process that led to enactment of the Employee Polygraph Protection Act. That bill was signed into law by President Reagan in 1988.

OTA has been in the forefront of efforts to evaluate the cost effectiveness of medical technologies. It produced the first report documenting the health and economic benefits of vaccinating the elderly against influenza. Based directly on these findings, Congress included coverage for these vaccinations in Medicare, a step that has prevented thousands of deaths and saved millions of dollars that Medicare would otherwise have spent on hospital costs.

On the other hand, OTA documented in 1989 that cholesterol screening of the elderly would not be cost effective. That report was a major factor in the decision not to cover this screening under Medicare, saving the program substantial amounts.

In the late 1970's research on recombinant DNA was considered potentially dangerous and had aroused widespread public concern. More than a dozen bills had been introduced in Congress to halt genetic research. But OTA's 1981 analysis, ''Impacts of Applied Genetics,'' helped to convince key Members of Congress of the economic potential of this emerging science. Today, biotechnology has expanded the boundaries of medicine, agriculture and commerce. The United States leads the world in this field, and OTA deserves a share of the credit.

In its report, ''Building Future Security: Strategies for Restructuring the U.S. Defense Industry,'' OTA conducted a comprehensive analysis of defense technology and the Nation's industrial base. It proposed a major restructuring of the military industrial complex, in order to maintain defense capabilities during the transition to the post-cold-war economy, while meeting pressing domestic needs. The report has greatly assisted deliberations on this subject in both the legislative and executive branches.

There are many other fields in which OTA's influence has been substantiated. Its work on computer technology in the classroom has helped to shape important legislation on education. Over a period of many years, OTA has been deeply involved in Congress' evaluation of the Clean Air Act. When the *Exxon Valdez* disaster occurred off the coast of Alaska in 1989, OTA's suggestions on maritime precautions were incorporated in the Oil Pollution Act of 1990.

These are just a few examples of timely and incisive OTA reports that have improved the quality of legislation.

Some contend that OTA's work can be handled by other congressional support agencies. I have the utmost respect for the Congressional Research Service and the General Accounting Office, but neither agency is equipped to take on the exceptionally challenging and specialized tasks of OTA. Although CRS and GAO existed 23 years ago, we recognized the need at that time for a smaller but expert agency with the specific mission of advising Congress on science and technology. That need is even greater today. It would be a tragic mistake to drain the reservoir of expertise that OTA has developed over the past 23 years, and try to reinvent it in some other congressional support agency.

Let's be clear. This is not a budgetary issue. The amendment proposes no new expenditure of funds, only that a very small portion of the money already allotted for the support agencies under this bill be used to preserve OTA. The sole question now is structural—whether we should keep OTA's expertise intact and centralized, or whether we should disperse OTA's responsibilities among the other support agencies and suffer the consequences.

One way or another, the work of technology assessment must go forward. It is simply a matter of common sense to keep intact the one agency that already knows how to do this job and meet the needs of Congress in this highly specialized field. Breaking up OTA in the name of streamlining Congress makes no sense.

It should also be emphasized that this amendment involves no cut in funds for the Library of Congress. The concerns of Library supporters have been completely addressed—the Library will not be cut.

In the years ahead, as we move into the 21st century, there will be even greater need to rely on OTA for impartial assessment of technology-related policies. The world of science and its impact on public policy are becoming more complex, not less. Technology is central to every aspect of American life, from biotechnology to law enforcement, from agriculture to education. It would be a serious mistake to limit our ability as a legislature to evaluate and respond to the scientific and technological challenges facing Congress, the Administration, and the Nation.

The Office of Technology Assessment has performed the task we assigned to it superbly. It continues to serve an indispensable role. It should bear its fair share of the current budget crisis—but it should not be abolished.

I urge adoption of the amendment.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah,

Mr. HATCH. Mr. President, I have been listening to my colleague from Massachusetts. As everybody in this body knows, we do not always agree. In fact, there are some that think we disagree quite often.

But I have to say he is right on this issue. I have watched what OTA has done for the whole time I have been in the Congress. And I have to tell you, if you are going to shift that burden to CRS or some other support group, you are going to spend more money than you spend on OTA and you are not going to have the congressional benefits that come to Congress as a whole that you get from OTA. As a matter of fact, we have all kinds of Ph.D.'s at OTA. Over half, 58 percent of OTA staff hold doctorates. And all of the support people that are volunteers from outside are the greatest scientists in the world—at least from this country—who also support OTA. And that is a benefit you cannot quantify because if we had to pay for all that what it is really worth, we could not afford to pay for it.

So there is a lot to this. I do not think we should make the mistake of cutting OTA yet. I am the first to admit that we have to make cutbacks here. I think OTA has to suffer its fair share. So I am not arguing for 100 percent of OTA's budget. I wish we could because I think it is working over the long run, because this is the one arm of Congress that does give us, to the best of their ability, unbiased, scientific and technical expertise that we could not otherwise get where most everybody has confidence in what they do.

Mr. President, I support the amendment offered by Senator HOLLINGS to restore some funding for the Office of Technology Assessment [OTA] during the next fiscal year.

Mr. President, my support for this amendment should not be confused with a failure to recognize the very difficult task the Legislative Branch Subcommittee is faced with this year in making its share of budget reductions. There is no question that Congress must contribute its share to deficit reduction, especially in light of the budget resolution we have just passed. I commend the managers of this bill on what they have been able to bring to the floor.

However, I am concerned about one of the rationales used to justify the elimination of OTA. I do not agree that there is no longer a need for OTA. On the contrary, I believe that Congress' need for technical scientific analysis will increase.

As our economy becomes increasingly complex and technologically oriented, Congress will require, more than ever, an ability to effectively analyze technology in making policy decisions. The question is, Mr. President, can another support agency do the work for which OTA has become recognized? Some of our colleagues believe the answer is a simple yes.

I respectfully disagree.

Fifty-eight percent of OTA's staff hold Ph.D., half of which are in the hard sciences. No other agency can make this claim. Nor can any other agency make the claim that it has the ability to call upon a network of in excess of 5,000 technical experts from all over the country who provide the best information available on science- and technology-related topics. Nor is there the level of scrutiny and review placed upon any other support agency from the time a request is made to the time the product is officially released in final form.

The product expected from OTA and the type of review that this small, specialized agency is mandated to undergo produces what I believe everyone in this body would agree is desirable: thorough, objective, and accurate analysis.

Relying on other, existing agencies to fulfill this mission asks these organizations, whose specialty is a highly specific quick turnaround study, to expand capability to do more comprehensive assessments in areas for which they may not even have in-house expertise.

Let me state this another way: The primary mission of OTA is not to do studies for immediate use by the Congress. OTA's charter is to be more forward-looking, more comprehensive, and more technical.

With fewer than 5 percent of Congress' membership having technical training, we cannot afford not to have this capability. Needless to say, I would not be making this argument if the proposal were for a legal research office.

This brings me to the budget implications of this amendment. And, let me state strongly for the record that I absolutely agree that reductions have to be made everywhere. I do not advocate that OTA be restored to 100 percent of its current level. OTA, like all other federally funded agencies and programs has to absorb its share of the necessary reductions.

My distinguished colleague from South Carolina, Senator HOLLINGS, has done an excellent job in finding the necessary offsets so as not to disrupt the overall budgetary outlays already contained in this bill and in the budget resolution. He has gone the extra mile to make sure that these offsets are germane, that they are fair, that they are cognizant of the concerns that have been expressed by the affected agencies whose budgets will further be reduced by this amendment.

But I have to say, for example, under the House proposal, the Congressional Research Service would be required to provide the entire $15 million outlay for the continuance of OTA's functions, a burden that is understandably quite overwhelming and, quite frankly, unfair to the Library of Congress. CRS's burden under the House proposal takes on added significance when you know time has been taken to ensure that the structural changes required by the provision will maintain the integrity of both support agencies.

In contrast, the Hollings amendment not only maintains OTA's independence, but it does not require any additional budget outlays be taken from the Library of Congress, as stipulated in the chairman's mark. This provision also eliminates the additional need to make the House-required structural adjustments that would create an even greater burden upon the Library of Congress.

Now, we recognize the reality that the structural adjustments will be necessary as overall budget outlays shrink over the next several years. The Hollings amendment stipulates that the Library of Congress undergo an evaluation of how the services of GAO, OTA, GPO, and CRS can be consolidated by the year 2002. This is a responsible approach under the circumstances. That will allow us time to ensure that the services provided by OTA can be most effectively maintained over the long term while recognizing that inevitable structural and budgetary changes will continue to be necessary for the years to come.

All I can say is that, as a conservative who believes that we have to cut back, who believes we need to reach that balanced budget by the year 2002, having served with OTA and understanding the interworkings of OTA and having watched what they have done for all the 19 years I have been in the Congress, I have to say it would be a tragedy for us to cut it out completely. And I do not think you could find any other area of Government that will provide the services that we need that OTA provides. And Heaven knows, in this very complex world, this complex present time, we in Congress have got to have that kind of equity at our beck and call. OTA has provided it for us. And I hope that folks will vote for the Hollings amendment.

Therefore, Mr. President, I commend Senator HOLLINGS for his leadership on this amendment, of which I am pleased to be a cosponsor.

I encourage all of my Senate colleagues to support this important measure.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I served on the Office of Technology Assessment Board from January of 1974 to January 1992. Since it was established, OTA has completed 721 studies to date. During the period I was there, 18 years, I obtained board approval for four studies that addressed Alaska's needs.

For instance, we had one study that addressed our rural village sanitation problem in Alaska. We had another that addressed the technical feasibility of transporting some of our very abundant fresh water from Alaska to California, which had been suggested to alleviate water shortages there. It did not prove to be economically feasible.

We had another one concerning the technological considerations of generating power in very remote arctic villages. And another was the review of oil production challenges in an arctic environment.

There were three others that touched my State in that period of time. One addressed the *Exxon Valdez* disaster; one for oil and gas development in deep water, and in arctic waters in particular; and another one, addressing nuclear waste in the former Soviet Union. They were not particularly at my request, but I did support them.

I want the Senate to know that in my time on this board I became convinced that this is a shared staff. And I have often referred here on the floor of the Senate to the benefits derived from this shared staff in the Office of Technology Assessment. Not only do we share staff, but by virtue of the professional staff we have in the Office of Technology Assessment, they attract onto Washington boards and panels the leading experts of our Nation, if not the world, in the development of new technology.

I think that without this OTA, what will happen is—and now I am speaking in my role as the chairman of the Rules Committee—that we will face increasing demands from individual committees for funds to hire people to do the same thing that the OTA does. The only difference is we will have, as we did before OTA, several committees exploring the same subject with people who are not the experts of the country and without the basic experience of the OTA in framing the issues for review by Congress.

As I came over here today, I picked up from the edge of my desk some of the OTA reports that I have reviewed over the years. This is ''Critical Connections, Communications for the Future, A Summary,'' prepared for the Congress in January 1990. It addressed, as my friend from South Carolina mentioned, the frequency spectrum problem. It was this summary that got me thinking about frequency spectrums. And for three Congresses, I asked Congress to change the policy of dealing with the spectrum that the FCC has under its jurisdiction in our airwaves.

They used to have a policy of having a lottery when a block of frequencies from the spectrum was available. It was announced, and people filed an application. It was literally a lottery. There was a drawing. And for $20 you got a slice of the spectrum that could be worth anything from nothing to $1 billion.

I felt that this summary would convince anybody that this system of disposing of a very valuable commodity, if maintained in the future, was wrong. It led to, as the Senator from South Carolina has stated, action finally in 1993 by the Congress. Last year we received $12 billion for the sale of units of the spectrum. We have OTA to thank. At least the people who have paid any attention to what is done with OTA's work understand where the credit belongs.

Here is another one, March 1992, ''Global Standards, Building Blocks for the Future.'' I keep that on my desk and find it interesting.

''Finding a Balance: Computer Software, Intellectual Property and the Challenge of Technological Change.''

They have another one that I keep and I think other Senators might be interested in it. It is dated June 1993: ''Advanced Network Technology.''

They went into another background paper at our request: ''Accessibility and Integrity of Network Information Collections.'' That was later in 1993.

Incidentally, one of OTA's members referred me to this. It was a cover story of the fall issue of Up Link. Anyone who wants to catch up with what we are talking about should read ''Digitally Speaking,'' a very interesting article.

All I am telling you is, Mr. President, and Members of the Senate, that this entity has led us to become aware of and become interested in and to try to utilize developing technology to meet the needs of the United States. I know of no other way we can get that except through shared staff.

The House has access to OTA. The Senate has access to it. We have equal representation on this body, Republicans and Democrats, and we always have, since its inception, without regard to which party controlled the House or the Senate.

Now we face a challenge to the very existence of OTA, and I am compelled to rise and say I think that OTA is a misguided target. I do believe, as the Senator from Utah said, we can make reductions in the expenditures by OTA. We have made a 15-percent reduction in the staffs of every committee in the Senate. There is no reason why we could not make a 15-percent reduction in OTA, and that was the intent.

But now we face a question of obliteration of the OTA. I want to tell the Senate that I believe the studies that I have seen by OTA have been at the request of a Senate committee or a House committee or by individual Senators, but none of them goes through without approval of the OTA board. None of them go through without a majority of the vote of three Members of each party from each House.

This is a very restrained board in terms of committing money of the United States. I have not agreed with some of the studies, and the record will show I voted against some of them. I voted against some of them because I did not think they involved the assessment of technology. They involved trying to pursue the application of technology. But if we keep to the subject and restrict the OTA to what it was intended to do, it is one of the most valuable entities I have found in the Senate to get access to material that is current about technology.

We are entering an era now of technology expanding at an explosive rate, the likes of which the world has never seen. We are going to see developments—and I saw AMO sitting here a while ago, our good friend Mr. HOUGHTON from the House. Talk to him sometime about fiber optics and how it came about that we have that concept now in the world.

We are looking at technology. We are at the edge of a precipice, Mr. President. The precipice is one that we can fall down into a chasm or we can analyze the way to get across that chasm into a future that is so bright you can hardly imagine it.

I was talking to some of my interns today, and they asked me about what we are going to do in my State when the oil runs out, what happens to our State, supported primarily by oil revenues. I remarked to them about Mr. HOUGHTON's company. Who would have thought in the days gone by we would take grains of sand from a beach and turn it into the most capable means of conveyance of communications known to man.

When it comes down to it, we have used technology in this country to stay ahead militarily, to stay ahead economically, to meet the needs of our people, and yet here we are about ready to do away with the one entity in the Congress that tries to collate and analyze and deliver to Members of Congress credible, timely reports on the development of technology.

I believe, more than most people realize, that we are changing the course of history in this Congress, but this is not one of the hallmarks of that change. This entity ought to be out in the forefront of that change, and it will not be unless it is properly funded and maintained. I support this amendment.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, I ask unanimous consent that the recognition of Senator DOLE at 5 p.m. be postponed for 15 minutes.

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

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I rise in support of retaining the Office of Technology Assessment. I support the agency and hope that my colleagues will consider it favorably.

OTA is a unique and valuable asset of the Congress. For many years it was also unique to the United States; but within the past few years, it has been used as a model by many democratic nations for establishing their own technology assessment organizations.

OTA is a small agency with 143 permanent employees and an annual budget of $22 million. The agency analyzes science and technology issues in depth for the Congress. It provides Congress with objective, nonpartisan reports and offers options for Members in dealing with related public policy issues. Its

studies are initiated by full committees of the Senate and/or House and are approved by the Technology Assessment Board, TAB, which oversees the agency. That Board consists of six Senators and six Representatives, equally divided by party.

OTA is a first rate scientific organization. Its retention has been supported by the National Academy of Sciences, the American Association for the Advancement of Science, the American Physical Society, Dr. Sally Ride, and a host of important companies, such as TRW.

OTA is unique on the Hill because of the bipartisan Technology Assessment Board. No other support agency has such a mechanism to ensure balance between the interests of both Houses and of both parties. This structure is instrumental in keeping the work objective and balanced, as well as acting as a priority-setting mechanism for the work that is conducted, ensuring that it has broad interest. It enables Congress to leverage OTA's limited resources to greatest effect.

OTA works almost entirely on a bipartisan basis, doing major projects requested by both chairmen and ranking minority members. Since 1980, 79 percent of OTA reports have been requested on a bipartisan basis.

OTA is unique to the Hill in that no such bipartisan organization could exist in the executive branch. For many years, the party holding the majority in Congress did not control the White House. That is again the case. Many of us find OTA's independent, bipartisan analysis very helpful under these circumstances; we do not have to rely on the information and analysis supplied by the executive agencies. Furthermore, over the years, OTA has developed an excellent working relationship with executive agencies—based in part on their bipartisanship, in part on their impartiality, and in part on their professionalism. No other congressional entity elicits this type of cooperation from Federal agencies.

I want to illustrate this with an anecdote. A few years ago the National Institute of Justice at the Justice Department was at odds with industry over standards and testing for police body armor, known as bullet-proof vests. They consulted with Republican and Democratic staffs of the Senate Judiciary Committee to try to break the impasse, but the committee realized it was dealing with technical issues beyond its depth. Finally, the NIJ suggested—and the committee readily concurred—that the problem should be turned to OTA. OTA's reputation for impartiality would give it the credibility to solve the problem, which it did.

OTA leverages its core staff by making extensive use of outside advisory groups, workshops, contractors, reviewers, drawn from both Government and the private sector, here and abroad. Unlike many other agencies, the OTA process ensures that OTA gets extensive input from outside the beltway. Every year, over 5,000 experts help us better understand the complex issues that we need to understand to legislate effectively. But unlike some executive agencies or institutes like the National Academy of Science, OTA does not impanel groups that get together to deliver wisdom while the staff merely writes what they say.

In OTA assessments, it is the staff that writes the reports. They listen to advice, get outside review, and eventually pass products through the TAB to certify that they are unbiased. Outside experts and stakeholders do not write the reports. They provide guidance and advice and collective expertise often well beyond OTA's. But OTA staff filters and assimilates this, uses it in conducting analyses, and seeks further review.

OTA's work differs from other congressional support agencies because its work is based only in the science and technology area; the information is not readily available for look-up in the immediate scientific literature; it is not an audit of a current issue or a project of costs. The indepth process and review of the issues is unique only to OTA, and the scientific and technological expertise of OTA's staff facilitates this approach. With the budget reductions other congressional support agencies are making, it is unrealistic to assume they could pick up OTA's work.

I come from a region that understands that high technology is the area of the future that will provide us the jobs and information that we need. That is what OTA is all about. It does not get information from here. It goes all the way across the Nation to my State to help establish the policies and procedures we need in this Senate. It has been highly reliable, and I think it would be a grave mistake for this Congress to lose it.

I did hear one of my colleagues say that we need to consolidate. Who would not agree in this time of budget cuts? But I remind my colleagues that in the Hollings amendment he requires the Librarian of Congress to report to Congress within 120 days on how they could consolidate the OTA, GPO, and GAO. I think that amendment looks to their recommendations, which I think is reliable. We need the agencies to tell us how they can be efficient and reach those goals. I remind my colleagues, also, that I have heard some say, ''If we cannot cut here, where can we cut?''

This bill in front of us cuts $200 million. It shows where effectively we can cut. I remind everyone that OTA is cut by 25 percent in this amendment. This is a very important agency to me. I hope we do not lose it this year, because I think we will see what the future brings us, and that technology and science is even more critical in the years to come.

Mr. MACK. How much time do we have remaining?

The PRESIDING OFFICER. I believe until 5:15, which is approximately 10 or 11 minutes.

Mr. MACK. I ask the Senator from South Carolina how much additional time he would need?

Mr. HOLLINGS. As the distinguished Senator from Florida knows, I do not need very much time. I am trying to respond to a request that we have on this side to vote around 5:45. Is that agreeable?

Mr. MACK. I must say to the Senator that I was under the impression that he and I would be the last to speak on this issue, and I had asked for a delay of recognition of Senator DOLE until 5:15, with the intention of having a vote at 5:15. I understand that it would be the intention of the Senator to delay his vote until 5:45.

Mr. HOLLINGS. I have a request on this side by the leader here.

Mr. MACK. Then at this point, I will suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MACK. 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. MACK. Mr. President, this debate has gone on for some time now with respect to OTA. I will attempt to make my comments brief. While it was mentioned a moment ago that OTA is unique to the Hill, or to the Senate, it is not unique, though, in what has happened to it.

The Office of Technology Assessment was begun, I believe, in 1972. The idea was that it would be a small cadre of individuals, to make some decisions, would gather information together as to what scientific and technical data is available and provide that to Members of the Congress.

We now have an Office of Technology Assessment that has 203 people, with an expenditure of over $23 million annually. Again, those folks have said that we need a counterbalance to the administration. Well, it is interesting that the administration has something like just under $5 million in its budget for its science advisor, with 39 people.

Another point I will make is that I was called by a number of people asking me to reconsider the proposal to eliminate the Office of Technology Assessment. One of those individuals that called me said, ''Frankly, after I found out what was going on at OTA, I thought it was a small cadre of individuals, a small tight-knit group that would get this information out to Members of the Congress, and I found they had $23 million for their budget.'' He said, ''That should not be.''

There is a sense that if we eliminate OTA, somehow science and technology in America will come to a crashing halt. Again, earlier today we heard about the significance of a grain of sand, if you will. A grain of sand has

turned out to be a very significant item on this planet, which is, in essence, responsible for the computer. Is it not interesting that the computers we deal with today, somehow or another, magically occurred without the Office of Technology Assessment in the Congress of the United States?

During our committee hearings, we had testimony and review of a number of documents. Again, this is the Office of Technology Assessment. Here is a report entitled ''Understanding Estimates of National Health Expenditures Under Health Reform.''

I make the claim that, frankly, that has very little to do with the Office of Technology Assessment.

There is study after study where there is duplication, where we basically—when I say duplication, I mean duplication in the sense of the outside, where we can turn to America and ask them for information that is available. We do not need to spend $23 million in a year in order to bring that about.

Another point: I think that probably one of the most significant scientific debates or debates about technology that we have had in the Congress in years is the issue of the super collider. Interestingly enough, there was no report from OTA on the super collider, again, one of the most significant new technologies that the Congress was considering.

There are those who say that now that we have the budget battle out of the way, this is really not an issue about whether we will cut $200 million; it is a question of where.

Mr. President, I refer to a chart behind me showing the history of GAO's full-time equivalent. We began the process in 1993 to reduce the staff and the size of GAO. It has gone from 5,150 down to 3,865 as proposed under this bill. It is going to go further as a result of what we do in 1997, and what is proposed in this bill as well. This amendment says we ought to go further.

Chuck Bowsher, the Comptroller General of the United States, was not happy to learn that over a 2-year period we would reduce his budget by 25 percent, but he worked with us. We asked him the best way to go about it, and we worked out a plan. We will cut $68 million from GAO this year. Now, with this amendment, GAO will be asked to cut an additional $7 million out of their budget.

This is the wrong way to do it. Mr. President, I urge my colleagues to vote against this amendment. This is only the beginning of the debate. Imagine, here it is, the first appropriations bill, we have suggested eliminating the OTA, an agency, in essence, which we believe is not necessary because we believe we can get the information from a whole series of sources. And we are hearing stories here on the floor of the Senate that basically say if we eliminate OTA, we will end the technology revolution in America. Mr. President, that is impossible because the technology revolution in America is driven in the private sector, not in Government. I yield the floor.

Mr. HOLLINGS. Mr. President, I understand we are trying to terminate debate on this particular amendment and then the leader wishes a vote on another matter.

Let me thank Members for the bipartisan support and the experts that we have heard in the debate, especially the distinguished ranking member of our committee, who has studied it closely. We made the cuts. We were using a $22 million figure. The distinguished chairman now of that subcommittee says it is $23 million, so now it amounts to more than a 30-percent cut that we are cutting the Office of Technology Assessment.

When he talks of the number of employees, Mr. President, there are 4,707 employees over there at GAO. I think we perhaps ought to consolidate it a little bit more.

These arguments that we have heard out of the whole cloth, never have I heard that the Office of Technology Assessment never studied one of the greatest advancements in science and technology, the super collider. They certainly did not, because they have to be asked by these committees, and the committee chairmen were already in favor of it, and they did not want that study. Now, if we had that studied, and they asked, we would have had it, and we might have done away with the super collider a lot quicker, which perhaps the Senator from Florida and I and the Senator from Nevada and I agree on. It is $36 billion in research and studies and development over in the Pentagon—billions. The distinguished Senator from Nevada says we have to economize. But then the Senator from Utah says, ''Wait a minute. We have to look at the entire Government.''

I do not know how to satisfy these arguments. We have worked to protect the Library of Congress in this amendment and hope that our colleagues will support us.

The PRESIDING OFFICER (Mr. ABRAHAM). Under the previous order, the hour of 5:15 having arrived, it is time to recognize the majority leader.

Mr. MACK. Mr. President, I move to table the Hollings amendment.

Mr. DOLE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays were ordered.

Mr. DOLE. Before we start the vote, I will enter a unanimous-consent request. I am waiting for Senator DASCHLE. In that request will be that, regardless of the outcome of the cloture vote, notwithstanding rule XXII, immediately following the cloture vote, Senator MACK be recognized to move to table the Hollings amendment. He has done that. So the vote will occur on the motion to table the amendment No. 1808.

Mr. DASCHLE. Mr. President, as I understand it, the unanimous-consent agreement just propounded by the majority leader would then require two recorded votes beginning at 6:15.

Mr. DOLE. I did not propound it. I wanted to wait until the Senator was on the floor.

BOSNIA AND HERZEGOVINA SELF-DEFENSE ACT OF 1995

Mr. DOLE. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 21) to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina.

The Senate resumed consideration of the bill.

Pending:

Dole amendment No. 1801, in the nature of a substitute.

COMPREHENSIVE REGULATORY REFORM ACT

Mr. DOLE. I exercise my right to call for the regular order, thereby beginning 1 hour of debate prior to a cloture vote on the reg reform bill.

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

The clerk will report.

The bill clerk read as follows:

A bill (S. 343) to reform the regulatory process, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Dole amendment No. 1487, in the nature of a substitute.

Ashcroft amendment No. 1786 (to Amendment No. 1487), to provide for the designation of distressed areas within qualifying cities as regulatory relief zones and for the selective waiver of Federal regulations within such zones.

Hutchison/Ashcroft amendment No. 1789 (to Amendment No. 1786), in the nature of a substitute.

Mr. DOLE. I ask unanimous consent that all second-degree amendments under rule XXII must be filed by the time of the cloture vote.

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

Mr. DOLE. I further ask unanimous consent that regardless of the outcome of the cloture vote, and notwithstanding rule XXII, immediately following the cloture vote, the motion to table by Senator MACK be voted on, on amendment No. 1808, the legislative appropriations bill.

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

Mr. DOLE. I also ask unanimous consent that if cloture is not invoked, the Senate resume the legislative appropriations bill.

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

UNANIMOUS-CONSENT AGREEMENT—S. 21

Mr. DOLE. Mr. President, I think we have an agreement on Bosnia.

Let me indicate, as I said last night, I did have a phone visit with the President of the United States, and obviously I want to cooperate with the President. I think we now have an agreement that does that. I thank the Democratic leader.

I ask unanimous consent that S. 21 be temporarily laid aside; that on Tuesday, July 25, the majority leader, after notification of the minority leader, may resume consideration of S. 21, the Bosnia Self-Defense Act, and the following amendments be the only first-degree amendments in order to the Dole substitute, and they be subject to relevant second degrees, following a failed motion to table: There be a Nunn amendment, relevant; Nunn amendment, U.S. participation; Nunn amendment, multilateral embargo; Nunn amendment, relevant. Two Nunn relevant amendments. Four amendments by the distinguished Democratic leader or his designee, relevant amendments; a Byrd amendment, relevant; Kerry of Massachusetts amendment, relevant.

I further ask unanimous consent that, following the disposition of the above-listed amendments, the Senate proceed to vote on the Dole substitute, as amended, if amended, to be followed by third reading, and there be 4 hours of debate equally divided between Senator DOLE and Senator NUNN, and then final passage of S. 21 as amended, if amended.

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

Mr. DOLE. So, Mr. President, now we have the 1-hour debate before the cloture vote. Senator JOHNSTON is here, Senator ROTH is here, and there will be a cloture vote and then we will be back on the legislative appropriations bill. Hopefully we can finish that tonight.

Then, we will have the debate, hopefully, on the rescissions bill tonight. I will be talking with the Democratic leader about that.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I think the two unanimous-consent agreements are ones we feel very, very encouraged by. I think there is little likelihood that all of the amendments that were listed in the unanimous-consent agreement dealing with Bosnia will be utilized, but I think it does allow for whatever extenuating circumstances may occur as a result of the ongoing meetings. But I certainly appreciate the cooperation and the sensitivity demonstrated by the majority leader on this issue. I hope at some point next week we can finalize our work on this resolution, however it may turn out. So tonight, I hope we can have a good debate on the cloture motion and also complete our work on the rescissions bill so we leave nothing other than the votes tomorrow morning on the rescissions package.

There is a good deal of work we can do tonight. I hope Members are all aware that there will be additional votes, at least two additional votes tonight and perhaps more, subject to whatever else may be brought up as a result of legislative appropriations.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

COMPREHENSIVE REGULATORY REFORM ACT

The Senate continued with the consideration of the bill.

Mr. BROWN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business before the Senate is S. 343, the regulatory reform bill.

Mr. BROWN. Mr. President, I call up my amendment 1550.

The PRESIDING OFFICER. The Dole substitute is not open to amendment at this time.

Mr. JOHNSTON. Mr. President, parliamentary inquiry: Who is it that controls the time?

The PRESIDING OFFICER. At this point, the time is controlled by the two leaders or their designees.

Mr. DOLE. Mr. President, I designate Senator HATCH.

Mr. DASCHLE. I designate Senator GLENN.

The PRESIDING OFFICER. Who yields time?

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, what is the pending business of the Senate?

The PRESIDING OFFICER. The Hutchison amendment No. 1789.

Mr. BROWN. Mr. President, I ask unanimous consent to set aside that amendment so I may offer my amendment No. 1550.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSTON. Mr. President, I hate to object, but I think we have the 1-hour debate before the cloture vote.

Mr. BROWN. Let me assure the Senator. My hope is this could be unanimously accepted but I would be happy to agree to a 5-minute time limit. Let me explain very quickly.

Mr. JOHNSTON. Mr. President, if one of the Senators can see if we can clear it, then we might not have any debate.

Mr. BROWN. I thank the Senator.

Mr. JOHNSTON. Mr. President, I wonder if the Senator will yield me 10 minutes?

Mr. HATCH. Could the Senator take 5 now and if he needs more I will be happy to?

Mr. JOHNSTON. Fine.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, it is like that tennis match I saw the other night, where the games were even and they were in the tie breaker. It is 6-all, in the tie breaker, and there is 1 point that is going to make the difference. And it is this vote. The question is, Does regulatory reform survive or not? Mr. President, it will survive if this cloture vote is granted.

We have been told that there is ongoing negotiation. I can tell you, there are at least three points which are not solvable, and upon which negotiation is not getting closer but is getting further away. Let me explain those three points.

First, can you review existing rules? All of those rules out there which have been adopted, some without consideration of science, some without the foggiest notion as to what they would cost, some defying logic, some being adopted in opposition to what their own scientists have said—can you review those existing rules?

In the Dole-Johnston substitute, you can review those existing rules. In the Glenn substitute, there is no right to review existing rules.

Second, the question of what we call decisional criteria. That is a very minimum, commonsense rule that says in order to have a rule you have to be able to certify that the benefits justify the cost. Mr. President, you would think that would be not only common sense but that would be a rule of logic, a rule of proceeding as to which all Federal bureaucrats would adhere. But there is a gulf between the two sides in this dispute. We have decisional criteria. The Glenn substitutes have what you might call standards for discussion. That is, you can discuss whether or not the benefits justify the cost, but it is not a test and it is not going to be used by anybody in determining the reasonableness or the arbitrariness of that regulation.

Finally, there is a question of whether the court can review the risk assessment, or the cost-benefit ratio for determining whether or not that rule is arbitrary and capricious. I will read the latest draft.

> The adequacy of compliance or failure to comply shall not be grounds for remanding or invalidating a final agency action.
>
> The adequacy of compliance or the failure to comply shall not be grounds for remanding or invalidating a final agency action.

In other words, it does not matter how bad this risk assessment is; it does not matter how central the science is to the question to be done; it does not matter whether it is junk science that uses all scientists on one side of a question; it does not matter how unreasonable, how outrageous the failure is to comply with the risk assessment or cost-benefit analysis—the court may not remand that case to cure that error. That is exactly what we are asked to do.

Mr. President, we are getting nowhere fast. In my view, it is a question of whether you want real regulatory reform or whether you want sham regulatory reform. If you want sham, really if you want business as usual, then vote no on cloture, because that is what you will get and you will be able to go around and say how great these bureaucrats are and what a good job they are doing, because they are going

to continue to do exactly what they are doing now.

If cloture is voted, and I hope and trust it will be, there are a lot of amendments we are perfectly willing to consider.

But there has to be an end to this process. We cannot have amendments out of the expanding file where they keep coming and they keep coming.

Mr. President, the things that we have solved here—judicial review, we thought we had solved that; supermandate, we accepted their language; we thought we had solved decisional criteria; we thought we had solved agency overload, had taken Sally Katzen's own concept; we dropped the Tucker Act; we dropped the chevron language; we upped the threshold from $50 million to $100 million; we gave new language on TRI; we are willing to do more; we are willing to discuss the Delaney rule; we did away with Superfund. Mr. President, we have done a lot. I think we have solved all the problems. Sally Katzen gave a list of nine faults with the original Johnston proposal. And I think we have solved all nine of them.

Now we have found that some of our solutions use the words of the opponents—conceding to them. They used those very words against us which they admitted, which they confected. They used those words against us. Mr. President, I do not think it is reasonable.

I hope my colleagues will bring this debate to an end so we can get on with the amendment process, and so we can pass a bill. Otherwise, it is R.I.P. It is so long to risk assessment.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I do not really recognize what has happened here by the description we just heard on the floor. We have been negotiating in good faith. There has been a lot of progress made. We started out with decisional criteria. They wanted a least-cost. We wanted cost-benefit. The compromise was made that we go to greater net benefits.

Some of the departments still have some problems with that. We are working some of those things out. So we have made progress in that area.

Judicial review—it went to the final rule. But one of the real killers in this is the fact that we still have unlimited new petition processes. That is just a way of saying that anybody that has an interest in killing any particular legislation or any particular regulation will have the opportunity by the possibility of not just a few but hundreds and hundreds of potential routes in the petition process by which they can prevent legislation or prevent regulations being written that might benefit all of America. Yet, they can stop it with this particular bill with those petition processes. That is a killer. We made some proposals on that.

It was my understanding, in talking to the majority leader on the floor about an hour and a half ago, that maybe there was some give in that area and perhaps we would be willing to talk about the petition process, which they were not willing to do before.

Another one that is a killer on this is going to require that when an agency reviews the rule that all reasonable alternatives have to be considered. That is an infinite direction. That is a direction to do something that is probably not possible to do, to take all reasonable alternatives. We wanted to do what the distinguished Senator from Louisiana proposed back several days ago, and that was limit that to perhaps just three or four. We were willing to do that. That is fine.

The sunset provision on this, we made progress in that particular area.

On the special interest section, there were proposals made on that that they were willing to discuss. The toxics release inventory, we want to do that.

At each step along the way what has happened is when we have gotten a letter, a proposal that listed the real answers to some questions we had, we have responded. We are in that same position right now. We are responding. A letter will go back which we worked on early today and earlier this afternoon. That letter is going back right now proposing some give and take in these particular areas.

Why we have to go to a cloture vote now I do not know. My own personal bottom line on these things has narrowed down through all of this process over the last 2 weeks to the no new petition process, to limiting the reasonable alternatives to three or four, as was already agreed to, and to striking that section on special interests. That is the one that is a real killer as far as health and safety goes because it leaves the toxics release inventory. It takes it out. It takes out Delaney which needs modification but not just elimination. And food safety, health, things like that go by the board.

So I just disagree strongly that we have not made considerable progress on this bill.

Now let me start with some truths in this debate. We have heard lots of horror stories about bad regulations on the floor from the proponents of S. 343. I do not have to hear those on the floor. I get enough of them when I go back home. Many of the stories brought out on the floor here were just plain false. I gave the rebuttal to some of those things on the floor here where we think they went too far. Some of the ones were completely valid. We have pointed them out on the floor too.

Let me respond to several of the accusations that the Senator from Louisiana has made about the Glenn-Chafee bill.

He says our lookback provisions for review of existing rules has ''no teeth.'' That is wrong. We do have judicial review of the agency requirements to review rules, but we do not let special interests petition to put rules on the list. Instead, we provide a process where interest groups can appeal to Congress to have a rule reviewed. And that makes more sense. It is more fair.

He says our judicial review language allows more avenues into reviewing parts of cost-benefit analysis and risk assessment than the Dole-Johnston bill. I do not feel that is true. In fact, I think it is not true. We state explicitly in our language that ''the court shall not review to determine whether the analysis or assessment conformed to the particular requirements'' of cost-benefit analysis and risk assessment. We would like them to do the same. I think we are making progress in that area, too.

Senator JOHNSTON wrote a letter to me, Senator BIDEN and Senator BAUCUS in March of this year stating all of his concerns with the Dole bill as it was then. Many of the issues he raised —like too much judicial review and the petition process—are still valid problems in the Dole-Johnston bill. In fact, he stated explicitly in his letter that he did not agree with a petition process for the review of rules. Now he is calling the Glenn-Chafee bill weak for not having such a process.

No. 3, many have accused us of not really being serious about regulatory reform. Let me give you a little background on our good-faith effort to put together a viable regulatory reform package.

The Governmental Affairs Committee reported out a strong regulatory reform bill with full bipartisan support 15 to nothing, coming out of committee with 8 Republicans and 7 Democrats. This bill formed the basis for the Glenn-Chafee substitute. It is a strong, a balanced approach to regulatory reform. It will relieve the regulatory burden on businesses as well as protect the environment, the health, and the safety of the American people.

On the other hand, the Judiciary Committee, on which the Dole-Johnston bill is based, had a very divisive debate on this bill, and they ended up reporting out the bill without amendment.

Before bringing the Dole-Johnston bill to the floor, we sat down with the supporters of S. 343 and had very serious negotiations on two different occasions. We outlined our concerns; we provided written changes to their language. And for the most part our concerns were dismissed out of hand.

Now, after a strong vote on the Glenn-Chafee substitute and two losing cloture votes, they wanted us to come back to the table and negotiate one more time. And we did that yesterday because we want regulatory reform.

I am as dedicated to regulatory reform as anybody in this body. We need it. But we want commonsense reform. We do not want regulatory rollback that is disguised in the rhetoric of regulatory reform. We cannot tie the agencies up in unneeded bureaucratic

steps for a variety of new lawsuits. That is not regulatory reform. That is what this bill does.

We gave Senator HATCH a list of changes that were necessary before we could consider supporting the Dole-Johnston bill. They appear to be moving on a few important issues. Today they are proposing to:

First, change—this was yesterday—change the ''least cost'' language in decisional criteria and replaced it with ''greater net benefits.''

Second, modify a few parts of their judicial review language, including getting rid of ''interlocutory review,'' which is encouraging. However, there are still some questions in this area.

Third, they would possibly adopt the sunset language in the Glenn-Chafee bill.

Fourth, they said they would discuss the toxics release inventory.

But these are not definite changes, and, even so, this bill still has significant problems. First, it has six new petition processes. All, except one, are judicially reviewable and must be granted or denied by an agency within a certain period. This is just a formula to tie up the agencies and prevent them from doing their jobs effectively.

They do not change the effective date of this bill. That means that as soon as this bill becomes law everything on that date must immediately comply with the many rigorous requirements of this bill. This captures all the rules that are out there in the pipeline right now, and will send agencies back to square one on some regulations delaying them unnecessarily.

This is a poor use of Government resources.

Third, they still have special interest fixes. They say they are willing to discuss TRI, and we want to talk about that. But making a cloture vote now does not permit that to happen right now. We think these provisions simply do not belong in a regulatory reform bill. The Governmental Affairs Committee and the Judiciary Committee have held no hearings on these issues. In effect, we are taking jurisdiction away from the committees of normal jurisdiction in these areas. These are special interest fixes, clear and simple.

Fourth, they still have major changes to the Administrative Procedure Act, including adding new petitions. These are unnecessary. They will only add to litigation.

Fifth, too many rules are covered, given the Nunn amendment that sweeps in any rule that has a significant impact on small businesses. These are just some of the major issues still outstanding.

Now, we still want to work in good faith with Senator HATCH, Senator DOLE, Senator JOHNSTON, and others, but we do not want medicine that is worse than the disease itself. And we need sensible, balanced, regulatory reform. The bill as it is now would permit any interest group to tie up in legislation anything for an indefinite period of time that they did not want to see go through. That is not reg reform. That is regulatory favoritism for the favored few. I do not see that that does anything for the American people.

Under the Glenn-Chafee bill——

The PRESIDING OFFICER. The 10 minutes has elapsed.

Mr. GLENN. I yield myself another 2 minutes.

What we do in that bill is try to hit a balance. We provide redress for reg reform that has gone too far. We provide review over a period of time for every single law, every single rule and reg that is out there now. At the same time, we do not dump all of the health and safety regulations that have been built up over the last 25 years, just toss them out or have the possibility by the processes we are providing in this law of throwing them out.

That would be a mistake. We do not want to throw out the baby with the bath water. What we set up in our bill, the Glenn-Chafee bill, was an even-handed approach to this thing. All you can say when you are setting up a bill like the Dole-Johnston bill that provides means by which any interested party can prevent a rule or regulation from going into effect for an indefinite period of time—and that is exactly what this bill does—it cannot be termed anything except regulatory favoritism. That is not in the best interests of the American people.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I yield 3 minutes to the distinguished Senator Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, first I would like to compliment my friend and colleague, Senator HATCH, from Utah and also Senator ROTH, from Delaware, for their patience in working on this bill. I will admit that they have shown greater patience than myself. They have, I think, done an outstanding job in managing this bill. It is a very difficult bill. I also want to compliment the majority leader of the Senate, Mr. DOLE.

I will tell you, we are going to have this third cloture vote, and I think this is the vote. I have heard some of my colleagues say, well, we need to make some more adjustments. We have made I think over 100 adjustments to this bill. I might go through a list, or maybe put a list in the RECORD, of some of the changes we made.

I remember 10 days ago they said we need to increase the threshold from $50 to $100 million. That has been done. We need to eliminate the provisions dealing with Superfund. That has been done. We need to clarify that it does not jeopardize health and safety. We have done that as well. We have had many people mention that it does have a supermandate in it. We said, no, it does not have a supermandate. It does not override the law.

Mr. President, my point is that we have bent over backwards to negotiate with our friends and colleagues who have different views, but we have to draw this thing to a closure. We have to have it come to a conclusion. We need to have, unfortunately, cloture. I say unfortunately; I do not like cloture. But if we are going to end this bill, we have to have cloture. We have over 250 amendments filed—250 amendments—many of which are very arbitrary. Some are serious.

I wish to compliment my friend and colleague, Senator JOHNSTON from Louisiana, because he has worked tirelessly to put this package together. Is it perfect? No. But is it a giant step toward reining in unnecessary and overly expensive regulations? Yes, it is. And it needs to pass. The cost of regulations today exceeds $6,000 per family. And that is growing out of control. We need to rein it in. This is the bill to do it.

We cannot do it if we do not get cloture. I do not think we are going to have another cloture vote. I think this is it. If we do not get cloture today, my guess is we are killing this bill for this Congress, and a lot of people have worked too hard for that to happen. For all my colleagues who say they want regulatory reform, if they want it, they need to vote for cloture. We will have the opportunity to make some adjustments to improve the bill if that is necessary.

I urge my colleagues to vote for cloture and let us pass a positive bill that will rein in unnecessary regulations.

Mr. HATCH. Mr. President, I yield 6 minutes to the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I am going to vote for cloture on the next vote, this vote coming up. If regulatory reform means rules that are more cost effective and based on better science and information, then I am for regulatory reform. I continue to believe that the Senate can produce a good regulatory reform bill. So I will vote for debate on this bill to go forward.

Now, I do not think this bill is perfect. There are over 200 amendments pending to this bill. Some of these amendments, if enacted, would roll back the progress that has been made to protect health and the environment over the past 25 years. Every Senator will be reserving judgment on that final vote to see the final package when the day is done. In other words, this is no commitment on my part to vote for the final bill. We will see what it looks like.

If cloture succeeds, I will be working to improve this bill. I have spoken to Senators HATCH and ROTH about provisions that continue to cause me concern, and they have agreed with some of those concerns and promised to work with me on those items.

Let me say I am grateful to the majority leader and to the Senator from

Utah Mr. [Hatch] and the Senator from Delaware, Mr. [Roth] for their willingness to address the concerns that I have expressed. We have put together a package of amendments that will be offered later. They have promised support for those amendments. They will make several changes to this bill that will resolve some of my major concerns.

This package of amendments will strike the provision in the bill that requires agencies to pick the least costly regulatory option. That will no longer be required. They will not be required to pick the least costly option. Instead, they are to select the option that provides the greatest net benefit. Now, this is a very significant change.

This package that we are talking about makes several changes to the judicial review provisions, including deletion of the item that would have required substantial support in the record for all the facts on which the rule is based. That is deleted.

The package also deletes the automatic sunset of existing rules. It scales back the large number of petitions that could be filed under the Administrative Procedure Act. These amendments will definitely improve this bill.

It is time, in my judgment, to complete work on this and move on to other important business in the Senate. We have a lot before us. If we work hard, we can get a good regulatory reform bill.

Mr. President, I will certainly be striving to achieve that.

Mr. COHEN. Will the Senator yield?

Mr. CHAFEE. I would.

Mr. COHEN. I would like to associate myself with the Senator's remarks and indicate that I wish to commend him for the effort he has made to try to persuade our colleagues to move closer to the position of the Senator from Rhode Island and the Senator from Ohio.

Mr. President, I have been engaged in the debate over regulatory reform since February when the Government Affairs Committee held a series of hearing on the issue. I was involved in the negotiations over the bill that emerged from the committee and held a field hearing in April where Mainers had an opportunity to express both support for and opposition to regulatory reform.

I have also carefully watched the debate that has transpired on the Senate floor over the past 2 weeks. Tuesday there was a vigorous debate on the Glenn-Chafee substitute, which, to my disappointment, was narrowly defeated.

I believe that there has been sufficient time for all views to be aired and that extended debate has let to substantive improvements in Dole-Johnson bill. S. 343 has changed a great deal since its introduction. Its supermandate has been significantly modified, its petition process has been narrowed, and the scope of judicial review has been reduced. Due to an amendment on the floor, the threshold for rules to qualify for cost-benefit analysis has been raised from $50 to $100 million, a change that will help agencies target resources at remedying rules that impose the greatest burden on the economy.

Additional negotiations have taken place during this week, since the first cloture petition failed, and some additional concessions have been made to opponents of the bill. I believe that both sides have negotiated in good faith, and I applaud Senators HATCH and others involved in the process for accepting a number of reasonable changes to the underlying bill.

While these changes do not go far enough to ameliorate the concerns I have previously expressed about the bill, there comes a time when the majority must be permitted to impose its will. I believe that time has now come.

I would prefer to see a bill that relied more on Congress to improve the regulatory system than the courts, and I would like to try more incremental reform instead of flooding our agencies with such burdensome analytical requirements that their effectiveness may be hampered.

Yesterday I had occasion to discuss this legislation with Philip Howard, author of the book that has been cited dozens of time during the course of this debate, ''The Death of Common Sense.'' To summarize his views, the man who wrote the book about common sense believes that the bill, in its current form, does not make sense. Its over reliance on litigation and Rube-Goldbergesque petition process will complicate the regulatory process instead of streamlining it. We might well do better to start all over again and try to come up with a bill that is less complicated, but would achieve the goal of meaningful regulatory reform.

Even though I have been unable to convince my colleagues on these issues, I will not stand in the way of permitting an up or down vote on the approach that they support. But if cloture is obtained, I will vote against the bill.

Even if the bill passes the Senate, there remains a long way to go before the bill becomes law. The legislation that passed the House is clearly unacceptable. By voting for cloture today, I am not suggesting that I will vote for cloture on a conference report that contains the same defects as the House bill or exacerbates the weaknesses of the Senate bill.

But the time has come for the process to move forward. I still hold out hope that the bill will continue to be improved and a bipartisan regulatory reform bill will be enacted into law during this session of Congress.

Mr. CHAFEE. Mr. President, I think we share those concerns. We do not have any idea what will emerge from conference, and we are not sure what is going to happen to these amendments that are before us that will be taken up. So my commitment is to vote for cloture. That completes my commitment.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. I yield 7 minutes to the distinguished Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I think most Members of this body want a strong regulatory reform bill. I hope most Members of this body also want to make sure that we preserve important health, safety, and environmental protections. The problem with the current version, the most recent version of the bill before us, is that it fails both tests. The bill before us has such procedural complications, so many grounds for litigation, so many appeals to court, that it will not cure the patient. And this patient is sick. It is going to choke this patient with litigation that for the first time will be permitted on just about every request that is made to an agency. Under this bill, for the first time, if you make a request to an agency for an interpretation of a general statement of policy, then the letter that you get back from the agency—and there are tens of thousands of these letters—is subject to judicial review.

We have not had judicial review of agency letters giving guidance, statements of policy, or interpretations of interpretive rules. For the first time; for the first time.

Probably 90 percent of the paper that comes out of an agency in terms of giving guidance to small business people is going to be subject to litigation. This is not curing the patient, this is killing the patient. This is choking the patient to death instead of giving corrective surgery. Now, that is the current version, the current version of the Dole-Johnston bill.

Now, we understand there are going to be some changes that will be offered in this as a result of negotiations, and that is fine, if, in fact, those changes are agreed to by the Senate, and if there is a chance to debate and review these things to see whether or not, in fact, it has happened. But we have just been informed of this in the last few minutes. In the last few minutes, we are now informed there is going to be a whole bunch of additional changes that are going to be made in the Dole-Johnston bill, and changes are needed.

The problem is, there are a lot of additional changes which are needed, as well. There are amendments at the desk which are relevant, which will be precluded from being offered if cloture is invoked. That is a critical distinction, because cloture will prevent the sponsors of relevant amendments which are not technically germane from offering those amendments. And may I say, that is also going to be true of changes in the proposals which are going to be offered by the Senator from Rhode Island. That language has not been offered yet. Amendments to that language presumably are not going to be in order because that language was

not even in the bill at the time the cloture motion was filed.

Yet, if cloture is invoked, amendments which are relevant to the bill which was on file when cloture was filed will be precluded, as well as amendments to these new changes which have been discussed in the last few minutes.

Now, we have made too much progress to legislate this way. We have had negotiations which have been fruitful. We have made progress which I think is reflected by the fact that the Senator from Rhode Island is now saying that many of his concerns have been addressed. That represents progress because many of the Senator's concerns are the same concerns that this Senator has and many other Senators have.

But there are other concerns which we can address if we will continue a process which has made some progress. To suddenly terminate these negotiations by voting cloture and to rule out probably dozens of relevant amendments that many of us have filed in this bill is not the way to address regulatory reform.

Mr. President, whether or not cloture succeeds—and I hope it fails—these negotiations should continue. I think all of us that have been involved in these negotiations, as long and as time consuming as they have been, at times as frustrating as they have been, can honestly say we have made substantial progress. The last thing that we did was to submit a package proposal, and as far as I know, we have not yet received a package response.

But rather than get involved in the debate over what the last item of negotiation was, let me simply say that we have made significant progress during these negotiations and that will be suddenly terminated and upset if cloture is invoked, which prevents relevant amendments from being offered. And amendments to language which has not even yet been seen, but which presumably will be accepted, according to the Senator from Rhode Island, are also going to be precluded, because that language which is going to be presumably accepted was not part of the bill at the time that the cloture motion was filed.

I do not know of anyone who has worked harder for regulatory reform in this body than the Senator from Ohio. As long as I have been here, he has fought for regulatory reform, including cost-benefit analysis, risk assessment, and other changes. The bill which he sponsored, along with the Republican chairman of the Governmental Affairs Committee, got unanimous, bipartisan support in Governmental Affairs. That bill represented significant progress. That bill got 48 votes, basically, in this body a few days ago.

There is, I believe, again, almost a consensus that we must do things differently in the regulatory area. The Senator from Ohio has been a stalwart fighter for regulatory reform. I think it is a mistake to derail the process which we now have, which is to negotiate a strong regulatory reform package, but one that does not choke the patient in the name of reforming regulations. We can have clean air, clean water, a safe environment, and we also can get rid of the abuses of the regulatory process. We cannot have both.

The version that I have last seen, at least—the last version that we have—does not yet achieve those goals. Therefore, I hope that cloture will not be invoked, and that we will then pick up that negotiating process and conclude it. It was moving along quite well until this cloture motion was filed. I am afraid that this cloture motion, instead of advancing the goal which we all share of strong regulatory reform, will derail those negotiations. And that would be too bad.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, I yield to the distinguished Senator from Missouri 2 minutes.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank the distinguished manager of this bill. He has done an excellent job with respect to the negotiations. They have been going on since February. We have been working on this bill for over a month. The last package that was presented to us by the other side actually gutted the provisions that small business needs in regulatory flexibility. They took out three other main provisions that small business wants.

As I have said on this floor before, small business has made regulatory reform a top priority. The number three item of the delegates to the White House Conference on Small Business was making regulatory flexibility work for small business. We have just successfully negotiated with the distinguished chairman of the Environment and Public Works Committee, Senator CHAFEE, a commonsense change in regulatory flexibility that harmonizes it with the provisions in cost-benefit. So you have cost-benefit and regulatory flexibility for small business. So they work together.

Mr. President, we have gotten down to what we call in Missouri ''Show me time.'' We have had a lot of talk, a lot of nice words. But the time has come to show me whether you are for small business or against it. Small business and agriculture, working men and women in America today want reasonable, commonsense regulations. We have had good input from both sides in this body. We now have a bill that ought to move forward. We are in a position to do so.

So I urge my colleagues to invoke cloture, to cut off the filibuster. Let us get about the job of reforming regulations and see that we can have the commonsense protections that regulations give us without unnecessary burdens.

I thank my colleague from Utah.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. Mr. President, I yield 7 minutes to the distinguished Senator from Massachusetts.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Massachusetts.

Mr. KERRY. Mr. President, I would like to begin by sharing with our colleagues a statement by the Vice President this afternoon:

> This afternoon, the Senate will consider shutting off debate on the Dole regulatory reform bill. I urge Senators to reject the motion and continue debate. The bill sells out to special interests and puts the health and safety of all Americans at risk. It creates more bureaucracy and more loopholes for lawyers and lobbyists to challenge and weaken health and safety standards. In essence, it threatens the progress we have made over the past 25 years to protect us from unsafe drinking water, contaminated meat and dangerous workplaces.
>
> The American people expect and deserve better. The President supports passage of true regulatory reform legislation. However, this bill fails to achieve it. It should be opposed if it cannot be changed, and should it come to the President's desk, he would veto it.

So the choice here, Mr. President, is whether we go through an exercise which will end up in a Presidential veto or whether we recognize what is really the choice here. The Senator from Louisiana suggested the choice is whether you want regulatory reform or not. That is not the choice before the U.S. Senate.

The choice is whether you want to have a bill that, in the guise of regulatory reform, tears at the capacity of the regulatory process to work and undoes years of progress with respect to the health and safety and environment on behalf of special interests, or whether you want to continue to negotiate in an effort to come up with a bill that is fair and reasonable.

Let me answer the questions of the Senator from Louisiana himself. He suggested to the Senate the question, can you review existing rules, and said, under Dole-Johnston, you can, but under Glenn you cannot. That is not true. That is just not true.

Under the Glenn bill, you have the ability to get on to the schedule through the agency, and even if the agency turns you down you have the ability to have judicial review, and if judicial review turns you down, you have the ability to come before the U.S. Congress and have the Congress put you on the list. That is review: Congressional review, judicial review, and agency review.

The Senator suggested that on decisional criteria, there is somehow a gulf between both sides. He said that in Dole-Johnston there is decisional criteria, but in Glenn-Chafee there is not. But the truth is, we have come to a point of compromise on decisional criteria, and we have given by accepting something that is not even in the Glenn-Chafee bill. We put into our

compromise an acceptance of the concept of decisional criteria so that you will, for the first time, have risk assessment and cost evaluation. That is a giving by both sides, which is reflective of what the compromise process ought to be.

The last question the Senator asked was whether or not you can review in the end. He suggested that somehow we are trying to set up a process that will preclude review of the cost evaluation or the risk assessment. I say to my friend, that is not accurate. We are prepared to accept, and have accepted, the concept of cost analysis review taken into the whole record and judged for arbitrariness and capriciousness, and we have accepted the notion of risk assessment being reviewed as part of the whole record and taken into consideration for arbitrariness and capriciousness.

What we disagree on to this day is whether or not the language set out in the Dole-Johnston bill sufficiently precludes the procedural aspects from being thrown into the mix in a way that increases more regulatory process.

Mr. President, I have shown this before. I show it again because it is not heard. If Philip Howard's book about the death of commonsense suggested that the current regulatory process represents that death, this bill is the funeral, not just for commonsense but for the progress we have made on the health and safety and the environment, because it creates 88 different standards, formal standards, which will become part of the record which will then be subject to the review that the Senator will not assist us in guaranteeing will draw the distinction between procedure and the overall record.

I respectfully say to my colleagues, this is not a vote about whether you want regulatory reform or not. It is a vote about whether or not we are going to continue to put this bill in a position to become a sensible bill that represents the resurrection of commonsense as opposed to its death.

This bill, in its current form, has more petition processes than any agency could conceivably live under. If you are in favor of streamlining Government, if you are in favor of reducing bureaucracy, if you are in favor of taking the maddening chase of Washington out of the process, then you should not vote for cloture, because the fact is that this bill has such a tier of petitioning processes with so many requirements for evaluation, with so many time periods of a fixed certain time that you are going to have this bureaucracy tangled up on top of each other without the ability to serve the American people, which is their purpose.

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

Mr. KERRY. Mr. President, I hope our colleagues will allow us to try to continue and to negotiate a reasonable bill.

Mr. HATCH. I yield 2 minutes to the distinguished Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise to say that I am pleased we are making, I think, constructive progress on this bill. I have watched the bill as it has progressed, and I have not supported cloture up to this point, because I felt it was necessary to keep pressure on to make sure that constructive progress was made.

I have seen things with respect to cost benefit, to net benefit and matters of change relative to judicial review and substantial other improvements. There are also other amendments pending which I believe can improve this bill. Whether they will improve this bill to the point that I could vote for it, I am not at all sure. But I will watch the progress as we go along.

The filibuster should not be used purely to prevent passage of bills, but it should be used in a meaningful way to ensure that an opportunity is made for constructive change and constructive passage of a piece of legislation.

So although I have not supported cloture in the past, it is my view that it is time to allow us to continue, recognizing that by granting cloture does not mean the debate closes, but rather that we will have amendments which are already filed and are relevant to be taken up.

So I look forward to seeing what kind of progress we have made, what the bill looks like and, therefore, it is my intention to vote for cloture this time, whereas I have withheld my vote in the past two attempts.

Mr. HATCH. I thank the Senator from Vermont. I yield 3 minutes to the distinguished Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I rise to urge my colleagues to come together to support the ongoing effort to reform the regulatory process. We want to make regulations both more efficient and more effective. We want to protect health, safety, and the environment in a more effective way, and we want to reduce the cumulative regulatory burden that impacts on all of us as consumers, wage earners and taxpayers.

This is a call for progress, not retreat. Since the beginning of this session, I have stated repeatedly that regulatory reform should be a bipartisan issue and virtually everyone who has examined the regulatory process, regardless of their political bent, has concluded that it needs to be reformed.

Let me just take a moment to share some revealing statements.

President Clinton, in the preamble to Executive Order 12866 on regulatory planning and review, stated:

> The American people deserve a regulatory system that works for them, not against them: a regulatory system that protects and improves their health, safety, environment, and well-being and improves the performance of the economy without imposing unacceptable or unreasonable costs on society; regulatory policies that recognize that the private sector and private markets are the best engine for economic growth; regulatory approaches that respect the role of State, local, and tribal governments; and regulations that are effective, consistent, sensible, and understandable.

The Executive order then concludes that ''We do not have such a regulatory system today.''

In a seminal report, ''Risk and the Environment,'' a bipartisan, blue ribbon panel of the Carnegie Commission has emphasized:

> The economic burden of regulation is so great, and the time and money available to address the many genuine environmental and health threats so limited, that hard resource allocation choices are imperative.

Justice Stephen Breyer, who was nominated to the Supreme Court by President Clinton, has testified:

> Our regulatory system badly prioritizes the health and environmental risks we face.

Paul Portney, vice president of Resources for the Future, has observed that ''Much good can come from a careful rethinking of the way we assess risks to health and the environment and the role we accord to economic costs in setting regulatory goals.''

All of these quotes show quite clearly that there is a very real and pressing problem with Federal regulation. This is not about rolling back environmental, health, and safety standards. This is about reforming the regulatory process so we can achieve more good with our limited resources. This is not a one-party issue.

Mr. President, let me point out that today, the managers of S. 343, again, have agreed to many changes to accommodate the concerns of our colleagues. I doubt that our distinguished Vice President has had the opportunity to review these changes. But I hope he will, because I think if he did, he would see that this legislation that we are proposing today means real reform to a system that is badly out of kilter.

Let me point out that we have agreed, for example, to add new language to make perfectly clear that S. 343 does not contain a supermandate. We have also agreed to amend the cost-benefit decisional criteria of section 624 to replace the least-cost test with a greater net benefits test. Moreover, we have agreed to streamline the petition provision to section 553; to delete interlocutory appeals; to replace the automatic sunset in section 623 with a provision in the Glenn-Chafee substitute providing for a rulemaking to repeal a rule; and to delete the requirement that a rule have substantial support in the rulemaking files.

Mr. President, these changes show clearly that we are acting in good faith to meet the concerns of our colleagues who want regulatory reform. I now call upon those who want to help this effort to step forward and support cloture. We must reform the regulatory process in a meaningful way, and the Dole-Johnston compromise would provide the reform we need. It would be a terrible waste to destroy this unique opportunity to reform the regulatory process.

Mr. President, I yield back the remainder of my time.

CLEAN WATER ACT PENALTIES

Mr. PRESSLER. Mr. President, it is my intent to offer an amendment to lift the unfair burden of excessive regulatory penalties from the backs of local governments that are working in good faith to comply with the Clean Water Act.

Mr. President, the goal of the underlying legislation is to bring common sense to the regulatory process. That is the goal of my amendment.

Under current law, civil penalties begin to accumulate the moment a local government violates the Clean Water Act. Once this happens, the law requires that the local government present a municipal compliance plan for approval by the Administrator of the Environmental Protection Agency [EPA], or the Secretary of the Army in cases of section 404 violations. However, even after a compliance plan has been approved, penalties continue to accumulate. In effect, existing law gives the EPA the authority to continue punishing local governments while they are trying to comply with the law.

When I talk with South Dakotans, few topics raise their blood pressure faster than their frustrating dealings with the Federal bureaucracy. Government is supposed to work for us, not against us. Mr. President, this is clearly a case where the Government is working against cities and towns that are trying to comply in good faith with the Clean Water Act.

In South Dakota, the city of Watertown's innovative/alternative technology wastewater treatment facility was built as a joint partnership with the EPA, the city, and the State of South Dakota in 1982. The plant was constructed with the understanding that the EPA would provide assistance in the event the new technology failed. The facility was modified and rebuilt in 1991 when it was unable to comply with Clean Water Act discharge requirements. Unfortunately, the newly reconstructed plant still was found to violate Federal regulations. The city now faces a possible lawsuit by the Federal Government and is incurring fines of up to $25,000 per day.

The city of Watertown has entered into a municipal compliance plan with the EPA. Under the agreed plan, Watertown should achieve compliance by December 1996. However, that plan does not address the issue of the civil and administrative penalties that continue to accumulate against the city.

Under the law, Watertown could accumulate an additional $14 million in penalties before the treatment facility is able to comply with the Clean Water Act requirements.

Mr. President, I do not know of any cities in South Dakota that can afford those kinds of penalties.

My amendment would offer relief to cities like Watertown. Under my amendment, local governments would stop accumulating civil and administrative penalties once a municipal compliance plan has been negotiated and the locality is acting in good faith to carry out the plan. Further, my amendment would act as an incentive to encourage governments to move quickly to achieve compliance with the Clean Water Act.

This amendment simply is designed to address an issue of fairness. Local governments must operate with a limited pool of resources. Localities should not have to devote their tax revenue both to penalties and programs designed to comply with the law. It defies common sense for the EPA to be punishing a local government at the same time it is working in good faith to comply with the law. My amendment restores common sense and fairness to local governments. By discontinuing burdensome penalties, local governments can better concentrate their resources to meet the intent of the law in protecting our water resources from pollution.

Mr. President, I see the distinguished chairman of the Environment and Public Works Committee on the floor. I know my colleague is aware of my amendment, and that it would affect the Environmental Protection Agency, which is within the jurisdiction of his committee.

Mr. CHAFEE. I thank the Senator from South Dakota. The Senator raises some understandable concerns regarding the imposition of civil and administrative penalties on municipalities working to comply with the Clean Water Act.

As my colleague knows, my committee will soon begin consideration of the reauthorization of the Clean Water Act. I believe the Senator's proposed amendment is worth considering as part of the Clean Water Act. In fact, in August, I intend to hold a hearing to discuss changes to the Clean Water Act.

Rather than offer the amendment to the pending legislation, I invite the Senator from South Dakota to testify at this hearing on the very issue addressed in his amendment. Further, the Senator from South Dakota has my assurance that the Environment and Public Works Committee will give his proposal full consideration during its deliberation of the Clean Water Act.

Would that be satisfactory to the Senator?

Mr. PRESSLER. The suggestions of the Senator from Rhode Island indeed are satisfactory. I look forward to testifying before his committee on the issue of allowing the waiver of civil and administrative penalties for municipalities working toward compliance with the Clean Water Act.

I would like to emphasize that the National League of Cities, the National Association of Counties, and the South Dakota Department of Environment and Natural Resources have expressed strong support for my proposed amendment. In addition, my amendment is supported by the Democratic leader and by the chairman of the Subcommittee on Drinking Water, Fisheries and Wildlife.

My chief concern in seeking to enact this measure is to prevent Watertown, SD, from being forced to pay penalties that are accumulating while the city is devoting its limited resources to compliance with the law.

Mr. CHAFEE. I understand the distinguished Senator's concerns. I recognize that his measure already has bipartisan support and the backing of a number of local government organizations. I also recognize the strong desire of the Senator from South Dakota to assist the people of Watertown. For those reasons, I intend to work with my friend from South Dakota and give his proposal full consideration in my committee.

Mr. PRESSLER. I thank my friend from Rhode Island for his willingness to consider this important measure. I look forward to working with him to ensure that local governments are treated fairly under the Clean Water Act.

Mr. HATCH. I yield to the distinguished Senator from New Mexico.

Mr. DOMENICI. Mr. President, within the last 48 hours, I heard a story I want to share with the Senate. Two businessmen, who, 15 years ago, were working people, got into a business. They worked hard. The banks lent them some money. In both cases, they are very wealthy today, and they have families. They struggled through 15 to 18 years of hard work in businesses.

One of the most deplorable statements I have ever heard is that these two men have both said openly and publicly, ''I do not want my sons to go into business. Business is not worth it anymore.'' That is what we are talking about here. They did not say that because business was too hard for them, but because Government had made it too hard for them, and it did not justify their hard work and dedication sufficiently for them to want their sons to join and go into the private sector as young businessmen and struggle in the American regulatory environment of today.

That is what this evening is about. We are choking that kind of enthusiasm. And I can tell you—I do not know if it is widespread, but I am frightened to hear it. If it becomes widespread in America, it will choke what America needs most—risk-takers, small business people who are thrilled enough about it, that they would love to have their kids join them and go into business.

So if we wonder who we are working for—the Vice President's letter says ''special interests.'' Whenever there is nothing else to talk about, the Vice President or somebody in the White House says, ''special interests.'' Our special interest is the small business men and women in America, who create the jobs, create the wealth. They cannot stand it anymore. How much longer do we have to stay on the floor before we send them a little hope that

what we are doing is not going to continue as it has been? You know, I do not think they would believe us anyway. The more they watch what is going on here on the floor, I am confident that if any of them did, they are even more sure that we do not know whether we are ever going to help them or how we are going to help them.

SMALL BUSINESS ADVOCACY AMENDMENT

Mr. DOMENICI. Mr. President. I am pleased the Senate has accepted my small business advocacy amendment to the regulatory reform bill. Several issues have been raised relative to this amendment that I believe warrant clarification.

First, a concern has been raised about the issue of timing; that small businesses will have input into the regulatory process prior to a notice of proposed rulemaking is issued and that other affected interests do not have this special treatment. In response to this concern, let me quote several findings from the July 1994 ''Small Business Forum on Regulatory Reform—Findings and Recommendations of the Industry Working Group:''

> The work groups clearly felt that early communication and input from small business owners and other stakeholders would be key ingredients in the achievement of the dual objectives of participation and partnership. . . . Many agencies track in-house, by computer, the progress of all proposed regulations which have reached the drafting stage. Each agency presently prepares and submits to OIRA a regulatory agenda every six months which includes all regulations proposed by the agency.
>
> Much discussion and deliberation took place in the work groups regarding the earliest date at which input should or could be solicited from stakeholders affected by a proposed regulation. At any given moment in time, there may be hundreds of ideas and concepts afloat in an agency. To solicit input at the very inception of the idea would impose too much of a burden upon the agency and the small business community. Often one, two or even more years pass while a regulation is in the development stage, supporting information is being gathered and analyses are being made. At the same time, waiting until a regulation has been drafted, and a notice of proposed rulemaking [NPRM] has been published in the Federal Register, may result in the loss of the opportunity for stakeholders to provide meaningful input early enough in the process.

Let me emphasize, the working groups—which included participants from the Environmental Protection Agency and the Department of Labor—met in multiple sessions over a 3 month period of time. A total of 70 Government representatives participated in the work sessions. The report stated that although the interagency groups worked independently, their reports reached similar conclusions:

> Their similarity suggests that the problems facing both small business owners and the agencies in the regulatory process may be universal, extending across industry and agency lines. The groups all agreed that a comprehensive, multi-agency strategy, with improved public involvement, is likely to be the most cost-effective way to improve the quality of regulations and to enhance regulatory compliance.

As the working groups noted:

> . . .waiting until a regulation has been drafted, and a notice of proposed rulemaking [NPRM] has been published in the Federal Register, may result in the loss of the opportunity for stakeholders to provide meaningful input early enough in the process.

The working groups explored various ways to address the need for early input, suggesting an Electronic Regulatory Information Center [ERIC] or electronic dockets to advise the most interested parties of forthcoming regulatory initatives. These suggestions have considerable merit, not only for small businesses but for any others who are interested in the impending regulations.

It is absolutely true that the small business advocacy amendment has singled out small businesses as important entities deserving early participation in the regulatory process. I believe the specific requirements for input, as articulated in the amendment, are wholly consistent with existing statutes, various Executive orders, and countless studies and reports that require or recommend small business collaboration in the process. And, as evidenced by the agency working groups in the small business forum on regulatory reform, early participation has a beneficial impact on the relationship of the stakeholders and the Federal Government.

I believe I speak for millions of small business men and women when I say that a ''partnership'' with their government is what they are after, not the present ''adversarial'' relationship. Let us not be afraid to change the present system—we know it is not working at its optimum. If we need to change the entire system so other affected members of the public have a means of voicing their particular concerns early in the process, then let us do it. Let us not, however, be fearful that early input or early participation by small businesses is detrimental to the process or gives them an unfair advantage. Early participation is already supported as one of the best ways to address potential problems.

It was my intent, and the intent of those who cosponsored this measure, to provide a much-needed mechanism for two federal agencies to be able to address what they, themselves, have already recognized as a deficiency in the present system: The need for early input for information and discussion purposes to make the process more efficient and effective.

I am pleased that this principle of reaching out to affected citizens is one with which we seem to all agree. I suggest, therefore, that if this mechanism works as we all believe it will, that it may just have a positive impact on the way all regulations are developed in the future, for all of our citizens who wish to make things work more efficiently and effectively. The bottom line is that the regulatory process should be a collaborative effort between the public and the Federal Government.

As important, small businesses should not be seen as autonomous, faceless, inhuman entities trying to skirt the health, safety and well-being of their fellow citizens. These are men and women—and in my State, the majority of new businesses are small businesses, and the majority of those are women-owned businesses—who are trying to make a living, with fairness and good business practices. They may hang out their shingle as a CPA firm, establish a women's magazine for the local community, set up a hardware or supply company, or make salsa to sell at the local museum—they all fit the definition of small businesses. When there is criticism that the workers may be shortchanged in a new regulatory process, I suggest we should consider changing our definition of workers. These men and women are workers, and their voices are as critical to the process as are, for example, the voices of a 20,000-plus member labor union.

The second issue I want to clarify is that a post-regulation survey may be a burden on an agency. I strongly support efforts to reduce the paperwork burden on all Americans, including our federal agencies. Relative to this survey, I cannot believe that agencies are disinterested in how their regulations are working. We, in Congress, certainly receive enough inquiries requesting revisions to various regulations to know that some regulations need changes. And, we certainly know that small businesses find complying with multiple regulations imposes an incredible burden on them because a company of 25 employees must comply with most of the same regulations as a company of 1000 employees: this costs time and money a small company often does not have.

To better understand the impact of a major regulation on small entities, a survey will provide vital information as to how well it is working and whether there are ways to adjust the regulation to meet changing circumstances or needs. Why should such a survey be a burden or incur a frightening scenario to an agency? The agency does not have to be involved with the survey—it will hire a firm to conduct the survey and provide its findings. And, there is nothing in this amendment that mandates a small business must respond to a survey or that the agency must adhere to any of its findings. In fact, from all of the information I have received from the New Mexico Small Business Advocacy Council—which I established 2 years ago—and other small business suggestions, small businesses would love the opportunity to provide an assessment of how a regulation is working, either pro or con.

Mr. President, I and others have been listening to the men and women in our

States who have said there is a problem with the regulatory process. In effect they have been telling us in every possible way they can that they need to be a participant in this process; they would like to offer suggestions that will make regulations work better; that they have some common sense suggestions that can make the regulatory process a participatory one. But, there is no mechanism that provides an informal way of getting their message out. Everything is complicated. Everything is rigid. And, nobody cares.

We are offering a possible solution so that the voices of millions of men and women-owned small businesses can be heard. We are offering a mechanism for a question and answer survey to be conducted that may provide some meaningful insights as to how regulations, including, for example, how health and safety standards can be better implemented.

I am proud of this amendment. I do not believe the majority of Americans are fearful of this approach; it is an inventive one that we hope is responsive to legitimate concerns.

I believe the revisions worked out prior to the amendment's acceptance helped clarify its intent. I hope we can wholeheartedly embrace this innovative approach to ''hearing'' from our American men- and women-owned small businesses. Their voices—their counsel and advice—can help make our regulatory process more responsive and workable. Everyone will benefit.

SOUND SCIENCE AND RISK ASSESSMENT

Mr. DOMENICI. Mr. President, I would like to register a small historical footnote during the debate on the regulatory reform bill. During consideration of the Clean Air Act Amendments in 1990, Senator DOLE and I started to ask questions about how the Environmental Protection Agency did risk assessments and what those risk assessments meant.

We and many of our colleagues were surprised, and somewhat incredulous, as we learned that these risk assessments involved unrealistic assumptions about human exposure and overly conservative assumptions multiplied by other overly conservative assumptions. I still refer with wonderment—and I know Senator DOLE does this as well—at the so-called mythical man standing at the fenceline breathing a pollutant continuously for 70 years, never bothering to leave for work or to raise a family—or even move 20 feet away.

As a result of this inquiry, we established under the Clean Air Act a Commission on Risk Assessment and Management to advise the Congress and the administration on appropriate principles of risk before the residual risk section of the air law takes effect. We also commissioned the National Academy of Sciences to do a report on current risk assessment practices. That report, entitled ''Science and Judgment in Risk Assessment,'' was issued last year, and contained a number of criticisms in the way that the Environmental Protection Agency presently conducts its risk assessments during rule promulgation.

As a result of this activity, I sought and got an amendment during reauthorization of the Safe Drinking Water Act last year that would have required regulations issued under that act to be based on the best available peer-reviewed science. Such good science was clearly needed with regard to the operation of the Safe Drinking Water Act. For example, EPA has consistently proposed a minimum contaminant standard for radon in drinking water which could cost water systems upward of $12 billion in capital cost alone, even though EPA's own Science Advisory Board criticized that standard for not focusing limited resources on more important risks.

My good science amendment was a specific remedy in one law. But I believe that there is an urgent need for realistic and plausible exposure scenarios and sound science in all risk assessments. I am pleased, therefore, that the Dole bill requires that risk assessments be based only on the best available science, a basic requirement which has been sorely needed for far too long.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. How much time is left?

The PRESIDING OFFICER. The Senator from Utah controls 8 minutes. The Senator from Ohio has 4 minutes.

Mr. JOHNSTON. Will the Senator yield me 2 minutes?

Mr. HATCH. I would like to yield the last 2 minutes to the distinguished Senator from Louisiana, if I can. First, I will yield myself all but the last 2 minutes. I would like to have notice when 6 minutes is used.

I really have to say that I am very upset right now with some of the arguments that I have heard from the other side, because they could not have read this bill, could not understand the concessions that we have made time after time, day after day, meeting after meeting, hour after hour, and make the statements that were made today.

Some on the other side are so worried about subjecting the bureaucracy to too many ''hoops,'' that they forget the American public out there and how many hoops they have to jump through.

Let me tell you, we are being regulated to death in this country. What about the hoops that the American citizens have to jump through because of a bureaucracy inside this beltway that does not consider their needs and enacts silly, stupid, dumb regulations that are wrecking our country. On this bill, we have had it with some in the media, who continue to completely misrepresent, in the most despicable way, what this bill means.

I assure you that we would not have some of these Senators voting for cloture today if they thought for a minute that some of these representations were true. Now, we do not believe that the latest Kerry-Glenn proposals are right. They not only do not address our offers made on Tuesday, which were made to meet both side's concerns, in words that we thought we had agreed on in the meetings; but then their counteroffer significantly expands the areas of disagreement by adding new issues. That is what we have been going through the whole time. We get to where we think we have it, and the next thing you know, 10 more issues are on the table.

Let us worry a little more about the American people. This bill takes care of providing that the best science will be applied, and that the right decisions will be made, and that the bureaucracy will have to be accountable for the first time in the history of this country. This is one of the most important bills in the history of this country because it means getting the status quo, the overwhelming, unthinking bureaucracy, off of our backs and makes them become more responsible to issue good regulations, rather than bad, based upon the best science available.

It gets the American public from underneath the horrendous burden of unnecessary, silly, and dumb regulations. If there is a funeral, to use the metaphor used by one of my colleagues, it is ''a funeral for common sense'' if we do not pass this bill. If there is a funeral on the other side of that quotation, then it is the celebration of the status quo. I would have to say that most of the opponents of this bill have not even read it. They could not have read it and made some of the comments that they made.

We have tried and we have worked very, very hard to bring people together. We have been criticized—Senator ROTH and I, in particular—we have been criticized by people on both sides of the aisle. Our goal is to bring together the best bill we can, that will stop some of the overregulatory killing that is happening in this country today.

We think we are there. That does not mean if we invoke cloture that we will not continue to work to try and satisfy our sincere colleagues on the other side, not the least of whom is Senator GLENN, who has worked very hard to try and resolve this. I know he is very dedicated, and sincerely so, to resolve these problems. There are a number of others who are as well, and I want to pay tribute to them.

This is a key vote for small business. Every small businessman in the country has to be watching this vote. I have to say even harmonized reg flex has cost-benefit criteria. We have done so much to try and make this bill acceptable to both sides. I think it should be acceptable. We will continue to work, but I think we need to invoke cloture. It seems to me the time is now. We have waited long enough. Frankly, it is time to do this.

The other side is so worried about subjecting the bureaucracy to too many hoops. What about the American public? What about the hoops that the American public has to go through to satisfy the horrendous burden of regulation?

If this is a funeral for common sense and a celebration of the status quo, most of the opponents of this bill have never read it.

We believe that the latest Kerry-Glenn-Levin proposals not only do not address our offer made Tuesday in good faith to meet that side's concerns, but significantly expands the areas of disagreement by adding new issues.

First and foremost, the proposal to strike the decisional criteria section and replace it with a certification process is unsatisfactory. The decisional criteria section is at the heart of Dole-Johnston because it is the mechanism that both sets the standard for cost-benefit analysis and assures that the analysis is done by the agencies. We believed that their side had agreed to the concept of a decisional criteria section, but that the language of the standard needed to be negotiated. Their proposal to strike this section constitutes the most significant area of disagreement.

Other significant areas of disagreement include their proposal to limit the reasonable alternatives that an agency must disclose in a rulemaking to three or four. While the number of options for a particular rulemaking may be small, in certain circumstances it may be greater, and disclosure of all relevant options is necessary for effective public participation in the rulemaking process and for judicial review.

We also object to the elimination of the petition processes. The right of the American people to petition their government is a fundamental constitutional right. We believe that Congress has a duty to assure the efficacy of this right. Consequently, we object to the deletion of these provisions from S. 343. As to eliminating the petition for review of a major rule, we believed that we had already reached an agreement to keep this provision as part of the agency review of rules section and are disappointed and somewhat surprised at your suggestion to eliminate it. As to the section 553(1) petition process for nonmajor rules, the suggestion to strike this subsection will render this longstanding APA petition process virtually useless. This is because the section 553(1), for the first time, establishes an 18-month time limit for agencies to answer the petitions. The lack of a time limit has rendered the present APA petitions moribund.

Other significant areas of disagreement with their most recent proposal includes striking TRI, the Delaney Clause reformation, and the section 707, the consent decree reform provision.

Furthermore, new issues have been raised for the first time which makes closure even more difficult. These include weakening the regulatory flexibility judicial decisional criteria, and, as stated above, the limiting of the reasonable alternative requirement to a few options. The raising of these new issues contravenes our understanding that we had just a limited universe of four items—decisional criteria, judicial review, sunset, and petitions—to negotiate. Obviously, we cannot continue these negotiations forever; we have already in good faith made over 100 significant and technical changes to the bill.

CHANGES WE ARE PROPOSING TO S. 343

First, judicial review. Language is changed in section 625 to clarify that there is no independent review of the procedures of the bill, but that judicial review will be of the rulemaking file as a whole under an ''arbitrary and capricious'' test.

Second, decisional criteria. Further language is suggested to clarify that there is no supermandate in the decisional criteria section; and adopt the greater-net-benefits test.

Third, section 553(1) petition. Strike language providing for petition of interpretive rules and guidance documents.

Fourth, section 623 petition—agency review. Add requirement that the court, to the extent practicable, shall consolidate petition review in one proceeding.

Fifth, reg flex. Amend section 604, subsection (c) of title 5 to change the standard to one of compliance burdens.

Sixth, substantial support test. Strike substantial support test in section 706.

Seventh, sunset. Adopt language of Glenn-Chafee substitute on sunset.

I ask unanimous consent to have printed in the RECORD a letter and attachment on this subject.

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

U.S. SENATE,
Washington, DC, July 20, 1995.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, Russell Senate Office Building, Washington, DC.

Hon. WILLIAM V. ROTH, Jr.,
Chairman, Committee on Governmental Affairs, Hart Senate Office Building, Washington, DC.

Hon. J. BENNETT JOHNSTON,
Ranking Member, Committee on Energy and Natural Resources, Hart Senate Office Building, Washington, DC.

DEAR ORRIN, BILL AND BENNETT: We have received your letters dated July 19, and are pleased to see progress on several of the key regulatory reform issues. As you know, however, our July 18 list of major issues was a package, and several of our key issues were not addressed in your letters.

Attached is a list of amendments we need included in our package of amendments. This list represents a revision of our July 19 proposed amendments. The major issues are as follows:

First, we cannot accept a bill that provides new opportunities for litigation, or delays or stops needed health, safety, or environmental protections. We have always opposed the new judicially reviewable petition processes contained in Dole/Johnston, which will result in bureaucratic gridlock and excessive litigation. Glenn/Chafee contains a workable review process. In the interest of compromise, the attached amendments would modify the Glenn/Chafee review process in order to provide for judicial review of the agency schedule and for review of major free-standing risk assessments. Your proposal to accept the Glenn/Chafee action-forcing rulemaking provision, as opposed to an automatic sunset, is an important, positive step. It does not, however, address our concerns about the new petitions and the review process.

Second, our July 19 offer included cost-benefit analysis, but not a new and inflexible decisional criteria. While your counteroffer proposed a revision to the decisional criteria that we are willing to consider, continuing concern about the effect of decisional criteria recommend that we discuss this issue further before making any final decisions.

Third, with regard to judicial review and unwarranted litigation, we propose a variation on standards for judicial review. The elimination of the interlocutory review language in Dole/Johnston sec. 625(e) is a good step, and we assume this includes the elimination of the Reg Flex interlocutory appeal provisions. Also, the elimination of the ''substantial support'' language in Dole/Johnston sec. 706(a)(2)(F) is a welcome change.

Fourth, on the subject of special interest issues, while we continue to believe that it should not be included in the legislation, we are certainly willing to discuss the Toxic Release Inventory. We remain equally concerned with the other special provisions we have identified, as well.

Finally, important issues not addressed in your July 19 letters include a limitation on ''reasonable alternatives,'' a future effective date, a limitation on extension of deadlines, the number and scope of rules covered under the law, and revisions to the Regulatory Flexibility Act. The specific language and/or filed amendments for each of these issues is contained in the Attachment.

While we are pleased to see progress on key regulatory reform issues, each of these issues is part of a package. We are not able to accept proceeding with any of these as individual amendments without addressing the package as a whole. We hope you will look closely at this letter and the attached language, and respond to us. Working together in this way, we are confident that we can develop a regulatory reform proposal that can be accepted by the vast majority of our colleagues. We look forward to hearing from you.

Sincerely,

JOHN GLENN,
CARL LEVIN,
JOHN KERRY.

SPECIFIC LANGUAGE, 7/20 RESPONSE TO 7/19 ROTH/HATCH AND JOHNSTON LETTERS

1. Decisional criteria.

A. Discussion needed on decisional criteria standards and relation to underlying statutes.

B. Limit alternatives agencies must consider to a limited number of alternatives.

C. Strike regulatory flexibility decisional criteria and replace Regulatory Flexibility Act judicial review (Glenn Amendment #1656).

2. Litigation opportunities.

A. Strike petition processes (Levin Amendment #1648):

On page 11, strike lines 5 through 19.

On page 12, strike lines 9 through 12.

On page 59, strike line 10 and all that follows through page 60, line 23.

On page 44, strike line 14 and all that follows through page 46, line 4.

B. Standards for Review:

Offer—revise D/J s. 625(d):

''(d) STANDARDS FOR REVIEW.—In any proceeding involving judicial review under section 706 or under the statute granting the rulemaking authority, failure to comply with this subchapter or subchapter III may not be considered by the court except for the purpose of determining whether the final agency action is arbitrary and capricious or an abuse of discretion (or unsupported by substantial evidence where that standard is otherwise provided by law).''

Response—substitute the following:

''(d) STANDARDS FOR REVIEW.—In any proceeding involving judicial review under section 706 or under the statute granting the rulemaking authority, the information contained in any cost-benefit analysis or risk assessment required under subchapter II or III may be considered by the court as part of the administrative record solely for the purpose of determining whether the final agency action is arbitrary, capricious, or an abuse of discretion. The adequacy of compliance or the failure to comply with subchapter II or III shall not be grounds for remanding or invalidating a final agency action, unless the agency entirely failed to perform a required cost benefit analysis or risk assessment.''

C. Interlocutory Review:

Offer—strike D/J s. 625(e).

Response—Accept, provided that this includes striking the Nunn/Coverdell Reg Flex interlocutory review provisions.

D. Scope of Review:

Offer—strike D/J s. 706(a)(2)(F) re: ''substantial support in the rulemaking file''.

Response—Accept.

3. Agency review of rules.

Offer—Replace Dole/Johnston sec. 623(i) with Glenn/Chafee sec. 625(g) language re: agency initiation of rulemaking to repeal a rule.

Response—Judicially reviewable petitions for review are unacceptable. Substitute G/C sec. 625 for D/J sec. 623 with changes as proposed in 7/19 follow-up to the 7/18 ''Proposed Package'', i.e.:

A. Strike sec. 625(c), and insert in lieu thereof:

''(c) Agency decisions regarding deadlines for review of rules contained in a schedule issued pursuant to subsection (b) shall not be subject (b) shall not be subject to judicial review.'' [COE95.845—p. 18, 1. 4–10];

B. Strike sec. 625(h)(2) [COE95.845—p. 21, 1. 22–25 as modified];

C. Insert a new subsection at the end of sec. 625:

''(i) For purposes of this section, the term ''rule'' shall include a risk assessment, not associated with a rule, that has an effect on the United States economy equivalent to that of a major rule.'' [COE95.845—p. 21].

4. Special interest sections—Strike relevant sections: e.g., Lautenberg #1574 (TRI), Glenn/Levin #1658 (consent decrees), Kennedy #1614 (Delaney), and Kennedy food safety.

5. Other.

A. Provide for a reasonable future effective date of 180 days after enactment (Glenn Amendment #1657).

B. Limit the extension of statutory and judicial deadlines (to allow agencies time to implement new regulatory process requirements) to 2 years (Chafee Amendment #1591).

C. Limit the number of rules covered by the legislation under the Nunn/Coverdell amendment.

Mr. GLENN. I yield such time to the Senator from Michigan as he may need. The Senator from Michigan came here, and his No. 1 item was to see if we could not get into regulatory reform. He was president of the city council in Detroit and had so many programs, and he has been working on it since he has been here.

I yield to him for a parliamentary inquiry.

Mr. LEVIN. I make the parliamentary inquiry, Mr. President, that if cloture were invoked, are amendments which are relevant, according to the unanimous consent, in order or out of order, if, while they are relevant, are not technically germane.

The PRESIDING OFFICER. The relevant standard is considerably broader than the germaneness standard, so they would not be in order.

The PRESIDING OFFICER. The Senator from Ohio has 3 minutes and 16 seconds.

Mr. HATCH. May I make a parliamentary inquiry on my time? Is it not true that both sides can agree post-cloture and add language to the bill?

The PRESIDING OFFICER. Only by unanimous consent.

Mr. GLENN. Mr. President, we all want sensible regulatory reform. I want regulatory reform as badly as anybody here. We have worked on it for years in our committee, the Governmental Affairs Committee, but I want balanced regulatory reform, not regulatory reform slanted so much that anybody that objects to a particular regulation coming out could tie it up in courts in judicial review for almost an unlimited period of time.

We have negotiated in good faith on this, back and forth, and I am sorry we have to go to another cloture vote on this because contrary to what has been said here, we have made a lot of progress. We did not have time enough to go through all of it.

Mr. President, S. 343, the Dole-Johnston bill, does not fix the problem. It was quoted a moment ago that President Clinton said the American people deserve a system that works for them. We do not have such a system today. I submit that S. 343 does not give that balanced system either.

The President has taken initiatives on this and already cut out 1,200 pages of regulation out of 13,000 pages reviewed. So they are working hard at making corrections. We do not need a bill that does nothing but provide regulatory favoritism. That is all we can call this, when they insist on keeping in such things as provisions gutting the toxics release inventory that protects people around plants, and so on. That is just not right that we pass something like that.

We, in good faith, submitted another proposal this afternoon. We gradually, one by one, as proposals have been sent back and forth between the two sides, have worked out a lot of our differences, and this is one of the most complicated bills, one of the most complicated pieces of legislation that we can have, because it refers to so many aspects of law. It affects every man, woman, and child in this country.

In that respect, I ask unanimous consent that the article out of this week's issue of Newsweek called ''Of Helmets and Hamburger'' be printed in the RECORD.

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

OF HELMETS AND HAMBURGER

CONGRESS: DECIDING WHAT YOU EAT AND BREATHE

Soon after Lori Maddy moved into her Sedgwick County, Kans., farmhouse in 1982, she noticed that wind blowing from the direction of the nearby Vulcan Chemicals plant carried a smell like ''the inside of an inner tube.'' So Maddy joined with neighbors to ask Vulcan what, exactly, it was venting. None of your business, Vulcan replied. Then came a 1986 law requiring companies to report—not stop, just report—their toxic releases. Vulcan turned out to be spewing 50 percent of Sedgwick's total emissions, including carcinogens. Spurred by local outrage, Vulcan voluntarily reduced its pollution by 90 percent. ''We felt obligated,'' says plant manager Paul Tobias, ''to win back the public's trust.''

The Toxics Release Inventory (TRI) seems to be a smart way to reduce pollution, but Congress has put TRI and every other federal health, safety and environment rule in the crosshairs. The House passed a strong regulatory-rollback bill in February. Last week the Senate fought over whether it, too, would (pick one) ''wage a full frontal assault on the American people and their environment,'' as Environmental Protection Agency chief Carol Browner put it, or ''take the heavy hand of the federal government out of people's lives,'' as GOP Sen. Olympia Snowe of Maine said.

Washington is already well down the road to deregulation. Congress is moving to free the states to raise speed limits and eliminate the requirement that motorcyclists wear helmets (table). The U.S. Fish and Wildlife Service wants to exempt small-property owners from the Endangered Species Act so they can build on their land even if that damages the habitat of a rare breed. EPA and the Occupational Safety and Health Administration no longer fine first offenders. But the House's antireg bill, and now the leading Senate version, are much broader, affecting anyone who eats meat, drinks water or breathes:

Meat: Bob Dole, sponsor of the Senate bill, wants to deliver regulatory relief this year. But smack in the middle of the Senate debate came news that five children in Tennessee had gotten *E. coli* poisoning, which comes from contaminated hamburger. Such outbreaks, say consumer groups, will become even more common if Dole gets his way. In its current form, they charge, the Dole bill requires federal agencies to prove by extensive analysis that any proposed rule—including better meat inspection—is the cheapest way to protect the public. Showing that the rule's benefits (avoiding 4,000 deaths, 5 million illnesses and up to $3.7 billion in medical costs a year) are greater than its cost to industry ($245 million a year) wouldn't automatically be good enough. Dole disputes this, but there's no doubt that under his plan industry could sue to overturn the rules on much weaker grounds than current law allows. Dole, says Adam Babich of the Environmental Law Institute, is trying to solve ''the problem of too much bureaucracy by adding bureaucracy. It would flunk its own cost-benefit test.''

Air and water pollution: If the GOP proposals had been law in the 1970s, some regulations on air and water quality might never have made it. The cost-benefit analysis of banning lead in gasoline, for example didn't clearly show that it would spare children

much neurological damage. EPA went ahead anyway, and subsequent research shows that the lead phaseout cut blood lead levels far more than EPA expected. The GOP's new plan would also affect existing regs on how much pesticide and fecal bacteria can be in drinking water. Rules would automatically expire every five to 10 years unless an agency reanalyzed (and, possibly, relitigated) them.

Republicans respond with horror stories of regulators run amok. Some are hyped, but many are not. Limits on how much chloroform from paper mills may pollute drinking water, they say, cost $99 billion per year-of-life saved. Even Clinton has a bit of regulation-cutting religion; he's eliminated hundreds of silly federal rules. But more rollback seems inevitable. Ironically, it's coming at a time when GOP budget cutting—EPA is look at a 40 percent hit—will make it even tougher for agencies to meet the stiffer requirements for justifying rules. But maybe that's the idea.

REGULATIONS GO ON THE BLOCK

Washington appears determined to review, and in some cases dismantle, health and safety rules. The results will affect everything from beef to how fast you can drive.

Status quo	GOP plan	Democratic retort
Inspectors "poke and sniff" for spoilage, but 4,000 people a year die anyway. USDA proposes more scientific methods.	The Senate bill would require the USDA to prove that the benefits of its new inspection system outweigh the costs.	The GOP plan would delay reasonable reforms that would save hundreds from dying and millions from getting sick
The United States imposes a cap of 65 mph on rural interstates and 55 on most others. Motorcyclists must wear helmets.	The Senate voted to drop all federal speed limits and let states set their own caps. Bikers may go bareheaded.	The government estimates that up to 4,750 more traffic deaths could occur each year without federal speed limits
The EPA regulates pollutants from lead in gasoline to fecal bacteria in water. Cost is secondary or not considered at all.	The EPA would have to choose the cheapest way to reduce pollution risks. Industry could then challenge the rules in court.	Lawsuits could delay new regulations for years, and even existing rules would be vulnerable to court challenge
Department of Transportation's design and safety standards, including airbags and crushable front ends, save lives.	Federal officials would have to submit all past and future safety rules to a detailed cost-benefit analysis.	Detroit always challenges federal safety rules; under the GOP bill it would prevail more often, and more lives could be lost

Mr. GLENN. Mr. President, it details some of the problems involved, and I wish we had time to read it in the RECORD. It puts it very well, that what we are doing here is not only providing regulatory reform if we pass the Dole-Johnston bill, we are providing the possibility of rolling back health and safety laws developed over the last 25 years that have proven invaluable, have provided for better health, have provided for better safety for our own citizens. We do not want to take a chance of rolling that back.

The bill that I proposed, known as the Glenn-Chafee bill, was one that hit a real balance. We provided redress for these regulatory excesses, and we all agree that there are regulatory excesses. They are all over the place. We hear about these every time we go back home.

We correct them, but we correct them in the right way, providing a process that cannot be used to override the system, cannot be used to overflow the system, cannot be used to swamp the system.

That is what S. 343 has the potential of doing. We want regulatory reform. We want regulatory reform as badly as anybody. I am sorry we cannot continue this negotiation today. I hope our colleagues will not let cloture be invoked and will vote against it so we can continue with these negotiations.

Mr. HATCH. Mr. President, just to make one point, if we invoke cloture tonight, this Senator is going to work with the other side. I know the Senator from Delaware will. I know the distinguished Senator from Louisiana will.

On all relevant amendments, we will work on those with them, and what we can agree on we will put in by unanimous consent. I just want people to understand that.

This cloture vote is very, very important. It has a lot to do with whether we will ever get regulatory reform.

I yield the balance of my time to my colleague from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana has 2 minutes and 20 seconds.

Mr. JOHNSTON. Mr. President, we have had a lot of talk here on the floor about good faith and negotiation, and there has, in fact, been good faith and good negotiation by both sides.

Believe me, Mr. President, the majority leader has yielded and yielded and yielded, and I have given a list of those things he has yielded. There was some progress made on the bill.

Mr. President, ultimately there are a few basic differences. Really, three in number. A lot of small ones, but three basic differences on this bill that constitute a wide chasm and a wide gulf.

Now, the first is whether we can question existing rules. I have heard it said you could. Mr. President, let me read what the Glenn substitute says. The Glenn substitute says, "The head of the agency, in his sole discretion, picks what is to be reviewed." In his sole discretion. When you get around to a review, it says, "judicial review of the agency action taken pursuant to these requirements shall be limited to review of compliance or noncompliance with this section." You review at the sole discretion of the head of the agency.

Now, Mr. President, if that is a right to challenge an existing regulation, then I am not a U.S. Senator, because, Mr. President, it is no right at all. It is business as usual.

The head of the agency has that discretion right now. If you want to keep things exactly as they are, then vote against cloture. I say vote for the Glenn amendment. We have already voted for the Glenn amendment once and it went down. It constitutes the bureaucrats preservation act, because it keeps things exactly as they are.

Mr. President, we can make more progress in negotiation if cloture is voted, but unless we have an end to this process, Mr. President, there is an end to this bill. I believe strongly in this bill. I hope we will get cloture. I hope we can get an act passed.

Mr. DASCHLE. Mr. President, I understand that all time has expired, so I will use part of my leader time to comment briefly on the pending resolution.

I note that my colleagues have made the case very well. Those who have preceded me in opposition to this cloture motion, I think, have made the case that I would simply like to summarize prior to the time we come to a vote.

The first and most important point is that this vote is unnecessary. There is no effort to filibuster. No one is delaying final passage on this bill. No one is trying to stop us from coming to a conclusion on this legislation. There has been a sincere attempt, by virtually every Senator involved in this debate, now for several weeks, to try to improve the legislation and accommodate the very difficult points that have been raised and in many cases resolved as a result of those negotiations. So that is point No. 1; no filibuster.

Point No. 2, there has been, as my colleagues have indicated, substantial progress since the day we began this effort several weeks ago; substantial progress. Senator KERRY, Senator CHAFEE, Senator GLENN, Senator LEVIN, and Senator JOHNSTON on our side have all indicated that progress, as a result of these negotiations, has been real. And I think the latest testament to the fact that progress is being made is what the Senator from Rhode Island has just announced. As a result of the efforts in the last 24 hours, he, too, has been able to get additional concessions as a result of these negotiations, concessions that would not have been made were we not at this point in this deliberative process, concessions that we have been talking about now for some time. So, with each stage in the development of this debate, additional progress has been made up until this very afternoon.

Point No. 3, from the outset we have laid out some principles that we say are essential to a good bill. They are very simple.

First and foremost, we have to have a bill that does not roll back laws that have provided cleaner air, purer water, and safer food.

Second, we will not support a bill loaded with special interest fixes.

Third, we will not have a bill that results in an avalanche of litigation from hundreds and hundreds of lawyers.

That is it. Those are our principles. We are guided by those and it is in that effort to maintain our allegiance to those principles that we continue to negotiate in good faith. I believe those concerns have not yet been adequately addressed. I believe equally as strongly, though, that we can get there. I believe the Glenn-Chafee bill would have gotten us there, and 48 Senators agreed with us on that matter. But most important in the statement, I want to emphasize right this minute: We are willing to continue to go into that room, continue to work, continue to work out the differences, as has been the case now for several days.

Finally, let me make a point about the issue raised by the distinguished Senator from Michigan. If, indeed, we are going to come to closure on this

bill, one of the most important things we have to do is ensure that those Senators who have amendments that are relevant but not germane can be protected. Regardless of whether or not we come to closure in the next couple of days on this bill, it is very important that those who want to make additional contributions to this legislation, to try to improve the bill with or without negotiations that may or may not come to any fruitful conclusion, they ought to be protected in their right to offer those amendments and have them successfully debated and ultimately voted on. A vote against cloture ensures that they will have that right, and I think it is very, very important that everyone understand that.

So, I think, in essence, the message is very simple. A vote against cloture is a vote for progress, progress that has been demonstrated over and over again as we have resolved these differences and as we continue to work for final passage, as we continue to guarantee that the principles we laid out at the very beginning can be protected.

I am optimistic that we can achieve that. I believe we can continue to work in good faith to accomplish what remains. And I believe voting against cloture today is the fastest way to get there.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I will just take a minute or two because I know we have had a lot of debate here and we have had a lot of negotiations. In fact, we have been negotiating since April. This is about the 10th day now on this bill.

I think what we have forgotten—we keep talking about we have to satisfy this Senator, that Senator—somewhere out there some small business man or woman or farmer is saying, what are these people doing in the U.S. Senate? We have been on this bill 10 days. We had about 2 weeks of negotiation before that. We have made over 100 changes. When do we stop? When we satisfy every liberal Senator on the other side of the aisle? Then you could not find the rest of us voting for it.

I note in the latest offer they made they say, ''We are not able to accept proceeding with any of these as individual amendments without addressing the package as a whole.'' So you take this package, then tomorrow you will have another package, oh, just four or five more things we thought of or the staff thought of or the administration thought of or the bureaucrats thought of.

It is one thing to say we are for regulatory reform. But we are not going to have it unless we have cloture. So the moment of truth is about to arrive. The moment of truth is about to arrive. I have heard all the speeches. I have listened to the speeches. I suppose everybody wants some vague regulatory reform. But by the time we adopt every amendment we have had proposed by some of my colleagues, we would not have regulatory reform. We would satisfy the bureaucracy, which is apparently what some wish to do. The Senator from Louisiana just read a piece of the Glenn bill, ''in sole discretion.'' They make the determination.

So I hope my colleagues will understand, we have a lot of work to do this year. In fact, we just voted earlier today on an amendment, I think it had regulatory reform in it. I think the vote was 91 to 8—91 people voted for this broad bill that had regulatory reform, tax reform, grazing reform, all the reforms we could think of; 91 to 8 voted for it. So there ought to be 91 votes for cloture.

I just hope my colleagues—we have made a lot of progress. Every Republican will now vote for cloture. That is up from about 49; now it is 54. But we cannot get there alone. I tell the American people, we cannot have regulatory reform without at least a half dozen on the other side. It is not possible to satisfy the concerns of some. It is never possible in any legislation.

I do not know what a filibuster is, but it seems like after a couple of weeks we ought to make some decisions. There are a lot of amendments filed, relevant, germane. There are still opportunities to improve this bill after cloture is invoked. Some of these things, in my view, we ought to just say, ''If we cannot reach an agreement, there ought to be an up-or-down vote.'' We would win some, the other side would win some, but at least we would have some resolution.

So I urge my colleague, particularly on the other side of the aisle—and I know you are under extreme pressure. I know the little sweatshop is working right outside the corridor here. I know there are a lot of people coming out there with arms that are hurting. Some have slings. I know the pressure is great, all the way from the White House, the President, the Vice President, every bureaucrat in town is concerned about this bill because they do not want it to happen.

I think it is time we just, in the next 20 minutes, think about the American people during the vote—people in Kansas, Rhode Island, Georgia, Virginia, New York—wherever. So, before we cast our vote—Oregon. Anybody else who is here. We are all one big country. It is going to be one big vote.

I thank my colleagues.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Dole-Johnston substitute amendment to S. 343, the regulatory reform bill:

Bob Dole, Christopher S. Bond, Bill Roth, Frank H. Murkowski, Rod Grams, John Ashcroft, Spencer Abraham, Craig Thomas, Pete V. Domenici, Bill Frist, Fred Thompson, Mike DeWine, Thad Cochran, Larry E. Craig, Bob Smith, Chuck Grassley.

CALL OF THE ROLL

The PRESIDING OFFICER. Under the previous order, the mandatory quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of Senate that debate on the amendment numbered 1487 to S. 343, the regulatory reform bill, shall be brought to a close? The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. PELL (when his name was called). Mr. President, on this vote, I have a pair with the senior Senator from Hawaii [Mr. INOUYE]. If he were present and voting, he would vote ''nay.'' If I were permitted to vote, I would vote ''aye.'' I, therefore, withhold my vote.

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

The yeas and nays resulted—yeas 58, nays 40, as follows:

[Rollcall Vote No. 315 Leg.]

YEAS—58

Abraham	Gorton	McConnell
Ashcroft	Gramm	Murkowski
Bennett	Grams	Nickles
Bond	Grassley	Nunn
Breaux	Gregg	Packwood
Brown	Hatch	Pressler
Burns	Hatfield	Roth
Campbell	Heflin	Santorum
Chafee	Helms	Shelby
Coats	Hutchison	Simpson
Cochran	Inhofe	Smith
Cohen	Jeffords	Snowe
Coverdell	Johnston	Specter
Craig	Kassebaum	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Dole	Lott	Thurmond
Domenici	Lugar	Warner
Faircloth	Mack	
Frist	McCain	

NAYS—40

Akaka	Feingold	Lieberman
Baucus	Feinstein	Mikulski
Biden	Ford	Moseley-Braun
Bingaman	Glenn	Moynihan
Boxer	Graham	Murray
Bradley	Harkin	Pryor
Bryan	Hollings	Reid
Bumpers	Kennedy	Robb
Byrd	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Simon
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	
Exon	Levin	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Pell, for

NOT VOTING—1

Inouye

The PRESIDING OFFICER. On this vote, the yeas are 58, the nays are 40. Three-fifths of the Senators duly chosen and sworn not having voted in the

affirmative, the motion is not agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

LEGISLATIVE BRANCH APPROPRIATIONS FOR FISCAL YEAR 1996

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. I would like for the RECORD to indicate that my colleague from Nevada, Senator REID, joins me in the tabling motion.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Let me indicate to my colleagues this will not be the last vote this evening because we will try to finish the legislative branch appropriations this evening and then later on in the evening, much later on in the evening, we will take up the rescissions bill. When everything else is done, nothing else is left to do, we will take it up.

VOTE ON AMENDMENT NO. 1808

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment to H.R. 1854 offered by Mr. HOLLINGS. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

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

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 316 Leg.]

YEAS—54

Abraham	Faircloth	Mack
Ashcroft	Feingold	McCain
Baucus	Frist	McConnell
Bennett	Gorton	Moseley-Braun
Brown	Graham	Nickles
Bryan	Gramm	Nunn
Burns	Grams	Packwood
Chafee	Gregg	Pressler
Coats	Harkin	Reid
Cochran	Hatfield	Roth
Coverdell	Helms	Santorum
Craig	Hutchison	Shelby
D'Amato	Inhofe	Smith
DeWine	Kassebaum	Specter
Dole	Kempthorne	Thomas
Domenici	Kyl	Thompson
Dorgan	Lott	Thurmond
Exon	Lugar	Warner

NAYS—45

Akaka	Conrad	Johnston
Biden	Daschle	Kennedy
Bingaman	Dodd	Kerrey
Bond	Feinstein	Kerry
Boxer	Ford	Kohl
Bradley	Glenn	Lautenberg
Breaux	Grassley	Leahy
Bumpers	Hatch	Levin
Byrd	Heflin	Lieberman
Campbell	Hollings	Mikulski
Cohen	Jeffords	Moynihan
Murkowski	Robb	Simpson
Murray	Rockefeller	Snowe
Pell	Sarbanes	Stevens
Pryor	Simon	Wellstone

NOT VOTING—1

Inouye

The motion to table the amendment (No. 1808) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

COMPREHENSIVE REGULATORY REFORM ACT

The Senate continued with the consideration of the bill.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, I want to thank my Republican colleagues and four of our colleagues on the other side who voted for regulatory reform and congratulate those who stuck together to bury it. It seems to me they have been successful.

I will just say, we thought we made a good effort. There is always more and more and more, and maybe this is all a way to keep the bill from going to the White House where the President indicates he would veto it.

We have had months of negotiation, hundreds of changes, 10 days of consideration, and then we are told, ''Oh, we just need more time.'' Either we are for regulatory reform or we are not. We cannot satisfy everybody in the Chamber, and those people made their choices.

After the vote, people said, ''Oh, we just need to negotiate more. Let's just have some more negotiations.''

The truth is that our bill largely tracks President Clinton's Executive order but has one important difference. This bill will ensure the requirements are actually carried out.

I particularly want to commend Senator JOHNSTON for his work, and his tireless efforts. He came to me—it seems like months ago now, but I guess it was just weeks—and he said, ''We are not going to get anywhere unless we make some changes in this bill.'' So we set about to make changes. Today, all across America—I do not have a copy—we are being flooded with statements by the Democratic National Committee on this vote about how Senator DOMENICI is for dirty meat, and Senator WARNER and somebody else is for dirty meat. They mixed it up a little, depending on where you live. It has a little cartoon there with our pictures in the middle. Very nicely done.

I think that has been the purpose right along—to try to get a campaign issue. Forget about the farmers and ranchers in Montana, or Kansas, or Virginia, or somewhere else. Forget about the small businessmen and women all across America. We have to protect the bureaucracy. We cannot have the bureaucracy overworked in Washington, DC. That is what we have heard for the last 3 days.

Not many people in Russell, Kansas, are worried too much about the bureaucracy in Washington, DC. They have never seen it, most of them. They have felt it in their wallets, and they feel it when they open up their little business, and they feel it when they go out of business, and they feel it on the farm, and they feel it on the ranch, and they feel it all across America. But they cannot have regulatory reform because we cannot get the cooperation. Everything in this Senate needs 60 votes. To get 60 votes, you end up with nothing. I do not believe that is what the American people expect us to do.

We can hold our heads high, those of us who voted for cloture. We can look the small businessman in the eye, and we can look the rancher in Montana in the eye, or wherever he may live, and say we did our best, we tried once, twice, three times. We were told, oh, nobody is delaying this bill; we do not want to delay this bill, and we are all for regulatory reform—until a vote came.

Mr. President, I do not know—I think I know what the final outcome is. I do not want to cause any anxiety for my friends on the other side, but I thank Senator BREAUX and Senator HEFLIN and Senator NUNN for their votes, because I know the pressure was great, intense, and steady.

I assume we could have put together a package that would have gotten 100 votes. It would not have been worth anything, but we could have said we all voted for regulatory reform. Particularly, Senator ROTH and Senator HATCH, and others on this side, have worked so hard to try to bring it together. But I think there is a little bit of principle left in this argument. We would like to think that we have at least 58 votes. That is 58 percent of the Senate that would like to have regulatory reform. Eighty-eight percent of the American people would like to have it. But we cannot get it because we are short 2 percent. Two percent of the Senate is denying about 85 or 90 percent of the American people regulatory reform.

That is a right we all have. We have all been through it. Some of us have been on the other side. I do not know of any more important bill than this one. But I think the dye has been cast. I am willing to entertain any legitimate concerns, but no more of these four or five pages that say at the end, ''we are not able to accept proceeding with any of these individual amendments without addressing the package as a whole.'' Then I assume that if this were addressed, there would be another one ready. They are endless.

So I regret that we have failed the American people—again. But there will be other opportunities. I, again, thank my colleagues on this side of the aisle

for being 100 percent for regulatory reform. One hundred percent. You cannot get any better than that.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I listened with great care to the comments made by the distinguished majority leader. I hope that he will not be discouraged. I hope that, given all the progress we have made so far, we go right back and make some more. I do not think there is a Senator here who would deny that we need regulatory reform. But I also think that virtually every Senator who has examined this issue has concluded that indeed it was one of the most far-reaching, most complex issues we are going to address this year.

We have all been around this place. We all know that when it comes to issues with the magnitude we are talking about now, it is not something you pass on a Tuesday afternoon. I can recall having come here several years ago and spending more than a month on the Clean Air Act. We spent a month. We negotiated and we said we do not know that there is ever going to be a chance to make anymore progress. Lo and behold, we stuck to it because the leaders on both sides said we had to, and what do you know, we did it.

I remember Senators on the other side last year talking about how we really want health care, but it is just not yet exactly what we want, so let us keep negotiating. We talked until we never got health care, unfortunately. I remember talking about the need for campaign finance reform, and vote after vote on cloture, and people on the other side said we have to have campaign finance reform, but this is not the bill. I do not know what their motivation was in voting against cloture on those occasions. I know a lot on that side did not want health care reform, and that is a legitimate position. A lot did not want campaign finance reform, and that is a legitimate position. But a lot of people on this side want regulatory reform. We are continuing to work on this bill because we are not in agreement yet.

I believe that we can reach agreement. I believe that there is a legitimate desire on the part of more and more people to try to resolve these outstanding differences, to get a bill very soon. I just remind all of our colleagues, the bill that was defeated 48 to 52 passed unanimously; Republicans and Democrats voted unanimously for the bill in the Governmental Affairs Committee. If it was so bad then, why did every single Republican vote for it?

I also remind my colleagues, of the 41 votes cast so far, 27 of them have been offered by Senators on the other side. Only 14 amendments have been offered on our side. So I do not want to delay this thing. I do not want to find anymore reasons to delay final passage. Senators on our side are as frustrated as those on the other side. But it is through that frustration that we must work to accomplish what I believe we all truly want—a good bill, a bill that can bring us an ultimate resolution on something that we all recognize we need.

I yield the floor.

Mr. DOLE. Mr. President, of the 27 amendments on this side, many of them were offered to accommodate requests on the other side, to make the bill ''better.''

I do not believe the vote on the Glenn amendment reflected the vote that came out of the committee unanimously. As I recall listening to the Senator from Delaware, that is not the case. It is a different bill entirely. I ask the Senator from Delaware, am I accurate, or have I misstated the problem?

Mr. ROTH. I say to the distinguished majority leader that what we voted for in Committee was entirely different from what was voted for on the floor in the Glenn substitute. The Glenn substitute was toothless. Take, for example, the lookback. The lookback was purely discretionary on the part of the agency head. In our legislation, every rule had to be reviewed in 10 years, or it expired, terminated.

So it is totally false to say that it was the same legislation.

Mr. GLENN. Mr. President, what I just heard here just does not happen to be the truth. It does not square with the facts.

What we brought to the floor was basically the Roth-Glenn bill. It is the same bill with three major changes—A strict definition of a major rule, $100 million a year, no automatic sunset review, and simplified risk assessment, which was what the National Academy of Science recommended. Outside of those three things, I think—and I can be corrected—I believe it is largely word for word the same thing we brought out of committee unanimously.

Only those three major items were added to the bill that came out of committee. If anyone can show me different, get up on this floor and say that. To say that I misstated and that I misrepresented the Glenn-Chafee bill is just flat not right. It is basically word for word the same as the Roth-Glenn bill that came out of committee, with those three changes I just mentioned.

I want to correct that so we make sure all Members know that.

Mr. ROTH. Mr. President, I do not want to extend the debate on this, but I do want to make it perfectly clear that there were significant differences between the Glenn substitute offered on this floor and what passed out of the Governmental Affairs Committee.

It is a fact that, as far as cost-benefit analysis was concerned, the use of it was totally discretionary in the bill proposed by Senator GLENN; whereas, in the Governmental Affairs Committee, it had to be reviewed and included as part of the review.

When it came to the lookback of rules, it was discretionary, totally discretionary on the part of the agency head as to whether there would be any rule on the schedule. Whereas, in contrast, in the Governmental Affairs Committee bill, every rule had to be reviewed in a 10-year period or it was terminated.

So, while a lot of the language was the same, the fact was the thrust was different, because in one case there were requirements that cost-benefit be done, and the other there was not.

Mr. GLENN. Mr. President, we will make an analysis and enter in the RECORD tomorrow what the exact changes were. I do not believe that is a fair representation of the bill. We will make the entry in the RECORD tomorrow after we have had a chance to analyze both bills, side by side.

LEGISLATIVE BRANCH APPROPRIATIONS FOR FISCAL YEAR 1996

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1825

(Purpose: To ensure equal opportunity and merit selection in the award of Federal contracts)

Mr. GRAMM. I hate to bring this debate to a close, but let me send an amendment to the desk and ask for its immediate consideration, and I ask that the complete amendment be read.

The PRESIDING OFFICER. The pending amendments will be set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 1825.

Mr. EXON. Mr. President, since I have the floor, I lost the floor at the discretion of the Chair, and I do not wish to delay this matter a great deal, but I do think that the discussion that has taken place between the majority leader, the minority leader, and others——

The PRESIDING OFFICER. Is the Senator seeking to object to the reading being dispensed with?

Mr. EXON. I believe I was recognized by the Chair in my own right, was I not?

The PRESIDING OFFICER. The regular order is the reading of the amendment to proceed.

The Chair recognized the Senator from Nebraska on the assumption that he might request the reading not proceed. But if the Senator does not rise for that purpose——

Mr. EXON. Would the Chair kindly explain the rules to the Senator? I believe the rules say that when an amendment is offered, if the Chair chooses to recognize someone else, that is within the authority of the Chair. Is that not correct?

The PRESIDING OFFICER. That is correct, if the amendment has been read in its entirety. The amendment was being read when the Senator from Nebraska sought recognition. Recognition is often sought for the purposes of

asking unanimous consent that the reading be dispensed with, and the Senator from Nebraska was recognized with that in mind.

Mr. EXON. I certainly want to abide by the rules of the Senate, and after the amendment has been read I will seek recognition again and let the Chair make the ruling that the Chair thinks is proper at that particular time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

At the appropriate place, insert the following new section:

SEC. . PROHIBITION ON FUNDING OF CONTRACT AWARDS BASED ON RACE, COLOR, NATIONAL ORIGIN, OR GENDER.

(a) PROHIBITION.—For fiscal year 1996, none of the funds made available by this Act may be used by any unit of the legislative branch of the Federal Government to award any Federal contract, or to require or encourage the award of any subcontract, if such award is based, in whole or in part, on the race, color, national origin, or gender of the contractor or subcontractor.

(b) OUTREACH AND RECRUITMENT ACTIVITIES.—This section does not limit the availability of funds for technical assistance, advertising, counseling, or other outreach and recruitment activities that are designed to increase the number of contractors or subcontractors to be considered for any contract or subcontract opportunity with the Federal Government, except to the extent that the award resulting from such activities is based, in whole or in part, on the race, color, national origin, or gender of the contractor or subcontractor.

(c) HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—This section does not limit the availability of funds for activities that benefit an institution that is a historically Black college or university on the basis that the institution is a historically Black college or university.

(d) EXISTING AND FUTURE COURT ORDERS.—This section does not prohibit or limit the availability of funds to implement a—

(1) court order or consent decree issued before the date of enactment of this Act; or

(2) court order or consent decree that—

(A) is issued on or after the date of enactment of this Act; and

(B) provides a remedy based on a finding of discrimination by a person to whom the order applies.

(e) EXISTING CONTRACTS AND SUBCONTRACTS.—This section does not apply with respect to any contract or subcontract entered into before the date of the enactment of this Act, including any option exercised under such contract or subcontract before or after such date of enactment.

(f) DEFINITION.—As used in this section, the term ''historically Black college or university'' means a part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the minority manager of the bill, who has precedence over all other Senators when there is a combination of Senators seeking recognition.

AMENDMENT NO. 1826 TO AMENDMENT NO. 1825

Mrs. MURRAY. Thank you, Mr. President. I send to the desk an amendment 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], for herself, Mr. DASCHLE, Ms. MOSELEY-BRAUN and Mr. COHEN, proposes an amendment numbered 1826 to amendment No. 1825.

The amendment is as follows:

In lieu of the text proposed to be inserted, insert the following: ''None of the funds made available in this Act may be used for any program for the selection of Federal Government contractors when such program results in the award of Federal contracts to unqualified persons, in reverse discrimination, or in quotas, or is inconsistent with the decision of the Supreme Court of the United States in *Adarand Constructors, Inc.* v. *Pena* on June 12, 1995.''

REGULATORY REFORM

Mr. EXON. Mr. President, I understand now we are on the affirmative action matter. Before we go into that, I will make a few brief remarks with regard to the exchange between the majority leader, the minority leader, and others, with regard to the bill that just failed with the third cloture vote.

I encourage the majority leader to recognize the fact that there are many, if not all Members on this side of the aisle, that are just as much concerned about regulatory reform as those on the other side of the aisle.

I was, frankly, rather amused to hear the majority leader say it takes 60 votes to get anything done around here. Does anyone remember last year? Does anyone remember last year, when we had to have 60 votes to do anything, with the possible exception of adjournment?

Now, the facts of the matter are, as one Senator who has been on many sides of many issues on this floor, I simply say that I was with the majority leader on a very close vote not too long ago with regard to how we are going to balance the Federal budget, and a constitutional amendment to do that.

Once again, the Senate is so closely divided on this issue, regulatory reform, because it is a very key issue.

I say to the majority leader that at least as one Senator, and I know from the meetings that I attended there are others, as so ably stated by the Democratic leader, that we think we are very close. We get down to these situations, though, and the old bulls lock horns. The old bulls like to say unless you do it my way, you are against regulatory reform.

I think there is general consensus for regulatory reform. I was very pleased that the Senate voted on the Glenn amendment, 52 to 48. I thought we were very close under that kind of a proposal.

Now, whether or not the Glenn amendment is exactly the same as that which was indicated earlier as not being necessarily true or not, I think that most reasonable people would agree that the Glenn amendment is extremely close, if not identical, which I would agree, to what was, I think, unanimously passed out of the committee at one time. I simply say that we are not nearly as far apart from resolving this important issue of regulatory reform as I think the majority leader has indicated.

I do not wish to impugn the motives of the majority leader at all. But I noticed on several occasions he indicated 100 percent Republican support for the measure, which implied, with the three or four other Democrats that he also complimented for their help, that all was lost because of minority Democrats just would not yield.

Sometime or other, the minority has to stand up when they think things are not going correctly. Why can we not take the Glenn amendment, that was defeated on a very close rollcall, 52 to 48, and use that as a means to come together in a bipartisan fashion? But, oh, no, we cannot do that. We have to use, as the basis of consideration, the proposition that the majority leader has indicated it is not possible, under the circumstances, to come together.

I say to the majority leader and my colleagues on that side, whom I frequently vote with, I think we are that close. I do not believe there is any sincere effort for most of us on this side of the aisle to be obstructionist, as the majority leader seemed to indicate in his remarks. I therefore suggest that it is time that we not give up. It is a time that we start working together on this matter of regulatory reform, which I think is very, very important.

But I want to compliment the Democratic leader for saying this probably is the most far-reaching bill that we will even consider or pass in this session of the Congress. It is a very important matter and there are some major concerns on this side of the aisle, some of which are not necessarily shared by this individual Senator. But I happen to feel it is critically important for us to recognize and realize, when we pass major pieces of legislation, we must take the time to consider as best we can. And I happen to feel it should be clear to all that, when we get ourselves into a situation where we are passing this type of legislation, major legislation under anyone's definition of that, that 60 votes should be in order. I think the 60 votes are there. I really believe we can get things done in this particular matter if we just keep on trying.

Therefore, I say to the majority leader, come forth once again, Mr. Majority Leader, come forth and talk to the minority leader. I feel very confident that we are that close to coming up with something I think would be generally satisfactory—not totally satisfactory, because this is a piece of legislation that is obviously so complicated and so difficult that we are probably never going to get unanimous consent. However, I say to the majority leader, come, let us reason together. I have talked at great length about this with the minority leader, and I think the

minority leader is in a position to speak for enough of us on this side that we could get cloture.

LEGISLATIVE BRANCH APPROPRIATIONS FOR FISCAL YEAR 1996

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1827 TO AMENDMENT NO. 1825

Mr. EXON. So, with those comments, Mr. President, I send an amendment to the desk in the second degree 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. EXON] for Mrs. MURRAY proposes an amendment numbered 1827 to amendment No. 1825,

Strike all after the first word and insert: ''None of the funds made available in this Act may be used for any program for the selection of Federal Government contractors when such program results in the award of Federal contracts to unqualified persons, in reverse discrimination, or in quotas, or is inconsistent with the decision of the Supreme Court of the United States in *Aderand Constructors, Inc.* v. *Pena* on June 12, 1995. This section shall be effective one day after enactment.''

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. 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.

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

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

REGULATORY REFORM

Mrs. HUTCHISON. Mr. President, I would just like to talk, again, about regulatory reform. We have been discussing, on this floor, who killed regulatory reform. But the rank and file small business person out in America knows one thing for sure. Regulatory reform just died in the U.S. Senate and the small business person who has been looking for relief so he or she would be able to grow and prosper and create the new jobs that keep our economy vital are not going to have that opportunity because we have not done the job we said we would do to try to get the harassment of Federal regulations off the backs of our small business people.

We have been working on this bill for 10 days. There are hundreds of amendments still left on the bill that we failed to get cloture on once again. We have had three cloture votes. What is it going to take? We have been in rooms meeting, talking about the issues that were raised. But the bottom line is, in 10 days of intense negotiations, floor debate, working on this bill, we have failed and the small business people of our country especially are going to understand that we did not get regulatory reform. And when 54 out of 54 Republicans voted for it to go forward, I think they are going to figure out who wanted regulatory reform.

We just passed bills that open trade in the world: NAFTA, GATT, so we would have the opportunities to compete. But our business people cannot compete when they are so saddled with regulations that they have to add costs to their product because of the regulations and, therefore, the product will not sell in the international marketplace because it is priced too high. That is the bottom line. That is why it hurts the ability to create jobs in this country, when we have so many regulations that our businesses are spending money in lawsuits and regulatory compliance and they cannot put the money where it needs to be, and that is trying to make their product better, giving jobs to people to create the products and being able to sell those products anywhere in the world because we can be competitive.

So, Mr. President, something died here today and I do not think the small business people of our country are going to be asking who did it. But they are going to know that their regulatory burdens are not going to be lifted.

Mr. President, that is a pretty sad message to have to send to the small business people of this country. We cannot let regulatory reform die like this, by two votes. It would be unconscionable. So I hope the Democrats will get together, and I hope they will say the rhetoric is real and say what we can really do to take away the 300 amendments that are now pending on the bill. And if they are serious, they can do something about it.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, let me just say, I have been listening to all this back and forth. I think it is part of the process. It does not bother me too much. But I listened to my constituents. One Senator gets up and says it this way. Another Senator gets up and says no, it is this way and you are wrong. No, you are wrong.

Somebody has to be right and somebody has to be wrong. I learned from the other side of the aisle how to file amendments. They bring them in here 100 at a time, you know? They taught us how to put the amendments on. Now we get accused of having a few amendments out. We talk about NAFTA. Something happened to NAFTA in the House because they cut off the ability to help Mexico by eliminating the funding.

The Democrats did not do that, Republicans did. There is a scenario going here, bouncing back and forth like a ping-pong ball. I think it is time everybody understand we do not intend to let this bill die. That is No. 1.

No. 2, we want to continue to talk. I have been here day and night. I do not think any of the Senators have had to spend the night here recently. Get the cots. The Senator from Texas probably remembers all-night sessions. You know, it gets to be an interesting occasion. It is awfully hard to keep somebody on the floor. It is awfully hard to get any kind of rest, but we have been here all night. Recently we have not done that. That is the debate of this institution.

So when you start badmouthing each other around here, I do not think it helps anyone. It just hardens the situation. I think we ought to continue to talk, continue to work. We want to make as good a bill as we possibly can.

I have never heard in any of the remarks tonight what it does to individuals. What does it do to the general public? What does it do to the worker? What are these things we are trying to do here now?

I hear nothing about big business. Big business had a 14-percent increase in profits the first quarter and individual hourly wages went down. Something is going well out there, if they are making that kind of money. Somehow we have to come together and think about the individual and working with the companies.

Mr. President, I had not intended to make any remarks. I do not normally make many speeches on the Senate floor. But I just think this knocking each other out here, just hardens the situation. It creates gridlock, to come out here and get accused of things. We do what we think is best. I do not always win. I am having a hard time winning anything right now. But I understand the procedure. I was here for 6 years when the Republicans were in the majority in the Senate before. I went from majority to minority. Then all of a sudden we got it back again. We are back someplace else.

So it is the system, and the system is debate. The system is talking. The system is communicating. The system is doing the best job you can, and you have to have something that you really believe in. And when you vote for it, you voted on the best piece of legislation that can be proposed to this institution. Sure, we have disagreements. That is what it is all about. That is what the committee system is all about. We do basically the same thing in committees that we do on the Senate floor. We listen to witnesses. We make up our mind. We offer amendments. We vote on amendments, and we vote the legislation up or down to send it to the Senate floor. That is part of the system. Then we do it basically again. It goes through the mill several times before it goes to the President for signature.

This is not a stealth Congress. A stealth Congress is to do it real quick and get rid of it before you get someone to jump on you or before the phone starts ringing off the hook, before people start sending out letters. Stealth Congress is do it quick and get it over with.

Some things are too important to do them quickly and get it over with. Some things are too important to individuals in this Chamber. And I learned from Majority Leader Mike Mansfield that on the Senate floor everybody is equal except the majority leader and the Democratic leader in this case. And the Chair recognizes them before anybody else. I understand that. That is a precedent. We exercise that. But everybody else has an individual right here. So we exercise that. I hope that we never lose that and that we start working together rather than try to divide, which will not get us together in the future.

I yield the floor, Mr. President.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

LEGISLATIVE BRANCH APPROPRIATIONS FOR FISCAL YEAR 1996

The Senate continued with the consideration of the bill.

Mr. GRAMM. Mr. President, I think we are talking about unanimous-consent requests here that will allow both of these amendments to be voted on. So let me go ahead and talk about my amendment, which is the amendment that is trying to eliminate set-asides in the Federal procurement process—in the context of this bill as a beginning. And then let me explain why the Murray amendment is a sham amendment that does not deal with the problem but that simply gives cover to those who want to allow set-asides in the funding for the legislative branch.

Let me begin with my amendment. My amendment is the amendment that we have worked on with outside legal groups. It has been endorsed by the leadership in the House, it is being offered by Congressman GARY FRANKS, and it is basically an effort to focus in on one particular problem.

This is a precise, surgical amendment, and what it says is this: The bill before us is the legislative branch appropriations and this amendment deals with nothing except legislative branch appropriations. I plan to offer a similar amendment on other appropriations bills that come to the floor of the Senate this year.

What this amendment says is that in the letting of contracts, in spending money, none of the money will be spent in such a way that requires or encourages the awarding of any contract or subcontract if such an award is based, in whole or in part, on the race, color, national origin, or gender of the contractor or subcontractor.

So what this amendment says in its first part is that when we spend money through the congressional branch of Government, we have to engage in competitive bidding, and that when someone submits the low bid who is qualified, that person will get the contract, and that in no circumstance can the low bidder, who is at least equally qualified, be denied the contract to give it to someone else based on a preference that flows from race, color, national origin, or gender.

That is part 1 of my amendment.

Part 2 of my amendment has to do with outreach and recruitment activities. And part 2 of the amendment makes it very clear that nothing in this amendment would prevent any effort to help people bid on contracts, to hold seminars on bidding, provide assistance to people who want to bid on contracts, or go out and inform people of the existence of those contracts.

In short, we can expend money. We can exercise tremendous effort to try to help people get on the playing field and to compete. But once contract offers have been submitted, then the selection process must be based on merit—and on merit alone.

The next provision of the bill makes it clear that we are not seeking here to override contracting that is done with schools designated as historically black colleges and universities.

The next provision of the bill makes it clear that this is all prospective. We are not going to go back and undo any existing contracts. In addition, we are not going to override any existing court orders. If a court acts in the future and finds that a remedy for discrimination is the establishment of a set-aside, we are making it very clear that would stand.

Now, basically, that is what my amendment does. And if my amendment is adopted, what it will do is end set-asides in contracting for the legislative branch of Government. If this amendment is adopted and it becomes law, what it means is that none of the money appropriated in this bill can be used for the purpose of letting a contract where anybody is given a contract based on race, color, national origin or gender.

Now, let me talk a minute about the Murray amendment, because what we have in the Murray amendment is the same convoluted language that the President used yesterday. This is more of the same effort to try to use words to confuse. Let me just read it to you, and I think that if you think about it a minute it jumps out at you as to what this amendment is trying to do. Let me read you the language:

> None of the funds made available in this act may be used for any program for the selection of Federal Government contracts when such program results in the award of Federal contracts to unqualified persons.

Mr. President, no one is saying that people who get contracts because of race or color or national origin or gender are necessarily unqualified. That is not the point. In fact, it seems as though the whole purpose of this language is to confuse. What we are saying is they are not necessarily the best qualified. They very well may be qualified, but the point is somebody else might have been better qualified or have submitted a lower bid. If all we are doing is saying that you cannot grant contracts to people who are unqualified, as the Murray amendment says, then we are not doing anything unless I can come in and say: Well, look, I bid a contract to build a sidewalk here at the Capitol and I bid the contract at $55,000. Someone who was given preference bid the contract at $155,000, and they got the contract. But under the Murray amendment, the only way that I could get any relief, if I was the contractor who bid it at $55,000, would be if I could prove that the contractor who got the bid for $155,000 was unqualified.

Now, they may be qualified; they may be unqualified, but the point is the Federal Government should not be paying $155,000 for work that it can get for $55,000. Nor should it be letting contracts in America where somebody is given a special advantage over somebody else.

We listened yesterday as the President gave a very passionate speech, but when you got down to the specific language of the details of the proposal, it was more doubletalk. And the doubletalk basically is the implication that this is an issue about whether a privileged contractor is qualified. It is an issue of whether they are the best qualified.

The second issue has to do with the fact that you cannot give somebody preference over somebody else without discriminating against the person who is not receiving the preference.

In the final analysis, something that the President clearly is clever enough to understand but was hoping we were not clever enough to understand is that whenever you give somebody a special advantage on the basis of race or color or national origin or gender, that means someone else is discriminated against because they do not get that benefit. I believe that what we have got to do is to end set-asides in contracting and what better place to start than in the legislative branch of Government.

So we have before us two amendments. One amendment is a serious, real amendment which says that none of the funds contained in this bill will be used for contracts where someone is given a special privilege so that they get a contract that on the basis of merit they would not have gotten. The other amendment says that none of the funds will be used to award a contract if doing so results in the award of Federal contracts to unqualified persons.

Mr. President, that is not the issue here. The issue here is not whether the contractor who got advantage based on race or color or national origin or gender was qualified. The question is were they the best qualified.

The amendment then goes on to use many terms which are very difficult, if not impossible, to define. For example, ''In reverse discrimination.'' Well, by definition, if the most qualified contractor with the lowest price did not get the contract, I think any reasonable person would call that reverse discrimination.

Now, Mr. President, here is the point, and then I will yield the floor because I understand that an agreement may have been worked out. If you are for set-asides, I think you ought to have courage enough to stand up and say it. If you believe that in America we ought to legislate unfairness for some reason, that we ought to reject merit, and that we ought to give people contracts based on their race, their color, their national origin, or their gender, it seems to me that you ought to do something that President Clinton did not have courage enough to do yesterday. That is, you ought to stand up and say it, and you ought to vote against my amendment.

It seems quite another thing to offer an amendment which basically says that you cannot give a contract to an unqualified person. The point is that many people—in fact, I would guess in almost every case the loser of competitive bidding every day in America in public contracting is qualified. It is not the point that they are not qualified. The point is they are not the best qualified. They did not offer the best bid. They did not offer the lowest price. Therefore, they should not have gotten the contract.

So if you vote for the Murray amendment, in my humble opinion, what you are doing is simply seeking political cover because you do not want to tell people you are for set-asides. I am opposed to set-asides. There is only one fair way in America to decide who gets a job; there is only one fair way to decide who gets promoted; there is only one fair way to decide who gets a contract, and that is merit.

And if you do it any other way than merit, it is inherently unfair, it is inherently divisive, and it ultimately pits people against each other based on their group. The genius of America is competition based on individual decision making and individual qualities. What makes America work is that in America we are not part of groups; we are individuals, and we have an opportunity to be judged as individuals based on our merit.

While some will say that trying to stop unfairness written into the law of the land, because for 25 years we have had unfairness written into the law of the land in set-asides and quotas, and people in America know it and they resent it and they want it changed, what we are doing when we eliminate set-asides is we are going back to the unifying principle of America. And that principle is merit.

What we are saying is that if any contractor in America wants to bid for a Government job, they have as good a chance to get that contract as anybody else. They have a chance to be judged on their merit on their bid. To do it any other way is totally and absolutely unfair. And I believe it should be rejected.

UNANIMOUS CONSENT AGREEMENT

Mr. GRAMM. Mr. President, I ask unanimous consent that there be 120 minutes for debate on the pending Gramm amendment, No. 1825, and the Murray amendment, which would be modified to reflect that it be added at the appropriate place in the bill, and that the time be equally divided between Senator Gramm and Senator Murray. And that following the conclusion or yielding back of time, the Senate proceed to vote on the Gramm amendment, to be followed immediately by a vote on the Murray amendment, as modified, and that no amendments be in order prior to the disposition of the two amendments, and that the Exon amendment, 1827, be withdrawn. Mr. President, I ask unanimous consent that the time already consumed by both sides be considered subtracted from the overall time limitation.

The PRESIDING OFFICER (Mr. BURNS). Is there objection?

Mrs. MURRAY. Reserving the right to object. Mr. President, I will not object. I would just like to know how much time would be left then on both sides?

The PRESIDING OFFICER. The Senator from Washington would have 1 hour and the Senator from Texas would have 44 minutes.

Mrs. MURRAY. Thank you, Mr. President.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Reserving the right to object. I would like the stipulation added to give this Senator 10 minutes.

The PRESIDING OFFICER. Would the Senator from Pennsylvania restate his request?

Mr. SPECTER. As I understand it, there is 1 hour on each side.

The PRESIDING OFFICER. The Senator from Washington has 1 hour. The Senator from Texas has 44 minutes.

Mr. SPECTER. Perhaps I can inquire of the Senator from Washington if I might have 10 minutes on your side?

Mrs. MURRAY. I would be willing to yield 10 minutes from my side to the Senator.

Mr. SPECTER. I thank the chair. I will not object.

The PRESIDING OFFICER. Is there objection?

Hearing none, so ordered.

So, the amendment (No. 1826), as modified, is as follows:

At the appropriate place in the bill, insert the following:

SEC. . None of the funds made available in this Act may be used for any program for the selection of Federal Government contractors when such program results in the award of Federal contracts to unqualified persons, in reverse discrimination, or in quotas, or is inconsistent with the decision of the Supreme Court of the United States in *Adarand Constructors, Inc.* v. *Pena* on June 12, 1995.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY addressed the Chair.

Mrs. MURRAY. Mr. President, I sit here tonight and I think about the words ''affirmative action,'' and I listened to the words on the floor. I wonder sometimes if we have all grown up in the same country because I grew up in a country that said you have equal opportunity, an equal chance and an equal ability in this life to get a good education, to get a good job and make it in this country.

Mr. President, that is what the affirmative action program means to this Senator from the State of Washington who stands here tonight on the floor of the Senate as one of eight women in this body.

Mr. President, when I hear the words ''quotas,'' ''reverse discrimination,'' ''preferences for unqualified individuals,'' I am astounded because that is not what I see in affirmative action today. And I think it is a twisting of the debate to try and make people think this program is about something that it is not about. This program is about giving people an ability to make it in a country where we care about all individuals, no matter who they are or where they come from or what they look like.

And I think that is a particularly important agenda to retain in this country. It certainly is one I want for my children and my grandchildren who will follow me.

The amendment that I have put forward says quite clearly that no Federal funds can go to any affirmative action program that results in quotas, in reverse discrimination, or in the hiring of unqualified persons. The amendment makes it very clear to the agency that its affirmative action programs must be completely consistent with the Supreme Court's recent decision in the Adarand case that affirmative action programs could be justified only if they served a compelling interest and were narrowly tailored.

The amendment recognizes that the battle against discrimination in America has not yet been won. And I invite all of you to go out into our schools, to go out into our institutes of higher education, to go out into the workplace and see that it is not yet won for women and for minorities. And affirmative action programs are very important to winning that battle.

Mr. President, as I listen to the amendment that comes before us—and I heard my colleague from Texas say he was going to offer this amendment on every appropriations bill—I wonder how much money he is talking about and who he is going after. I did not have time, of course, to put this into a chart that all of you could see. Frankly, I thought I would save the Senate money because that is what we are trying to do. So I did not make a chart. But I will share with you what I have on this.

The total awards that are given in Government contracting, prime contracts, is $160 billion. Of that, $1.9 billion—$1.9 billion—out of $160 billion go

to women-owned business awards. That is who we are targeting in the underlying amendment. That is who—$1.9 billion out of $160 billion. A very small amount, $6.1 billion to small disadvantaged business awards. A total of about $8 billion out of $160 billion—$160 billion—$8 billion going to small disadvantaged business and women-owned business. That is who we are targeting in the underlying amendment.

It seems very clear to me that it is a good goal in this country to assure that disadvantaged people, that people who do not have the same opportunities, are given the ability to move ahead in the workplace. And I urge my colleagues to defeat the Gramm amendment and to vote for the Murray amendment. That is a positive way to move in affirmative action in this Nation.

Mr. President, I ask the Senator from Maine how much time he would need?

Mr. COHEN. Ten minutes.

Mrs. MURRAY. I yield 10 minutes to the Senator from Maine.

Mr. COHEN. I thank my colleague for yielding.

Mr. President, I was intrigued with the Senator from Texas' comment toward the very end of his presentation where he said that for 25 years we have legislated unfairness. We have passed legislation not based on quality, but rather on race and gender.

The 25 years stood out in my mind because it tended to ignore that for 200 years we have tolerated and practiced unfairness. We said that all men are created equal. That is our defining document. Not ''all women are created equal.'' Not ''all blacks are created equal.'' They were not even treated as human but only three-fifths human, as slaves, as pack mules. We broke up their families, and we humiliated them for years and years—not 25 years—but a couple of hundred years or more. And suddenly we come back and say, ''Well, it is all equal now. The field is completely level. We live in a colorblind society.'' Does anyone here really believe that, that we live in a colorblind society?

There was an item in the paper recently about ''good ol' boys'' getting together for a good old time. They were Federal employees—ATF, maybe FBI, maybe Secret Service, maybe IRS. Does anyone here truly believe that we do not live in a colorblind society today, that discrimination does not exist?

The Senator from Texas says that we should not let someone get a contract based on a preference. He believes that if you give someone a special preference, you impose a disadvantage on others. That is one side of the argument. How about whenever you impose on someone a special disadvantage by virtue of their race or gender? It seems to me that you give someone or another group a special advantage.

The Senator from Texas would like to have the best-qualified people receiving contracts. I agree. How about Jackie Robinson, do you think he was the best-qualified player at the time? How about Satchel Paige, do you think he was the best-qualified pitcher at the time? Was he granted access to the professional leagues? Jackie Robinson, yes, he was the first to break through the color-barrier, after years and years of practiced racial discrimination. Satchel Paige played the prime of his career in the Negro Leagues, only making it into the big leagues after the color-barrier had been broken. But he made it to the Hall of Fame nonetheless.

The difficulty is, of course, that none of us believe in quotas, because quotas are arbitrary, they are capricious, they are without merit. But the Senator from Texas believes we should have not more group preferences. Well, how about veterans? Is that in the amendment? I do not think so. I hope not. But make no mistake, we grant preferences to many groups.

We grant preferences to veterans because they have made a great sacrifice for this country. We take that into account and we grant them preferences, regardless of what their contribution was. Some served in combat. Some served as medics. Some served as flight assistants. Some served back in the United States. They all were willing to make the commitment, so we treat them as a group and we give them special consideration, as we should.

How about small businesses? Are we prepared to eliminate the small business set-aside, and give no more preferences in government contracts to small business? Should we let them go up against the giant conglomerates, without a care of how small or how capable they are. Even if they cannot compete against the big guys—tough luck, no special consideration.

I know that there is some disagreement about affirmative action, even within the minority community. There are some who feel that the very existence of affirmative action has stamped the red letters of ''AA'' on their foreheads; that they somehow have been stamped as affirmative action babies; that people believe they could not make it on their own, notwithstanding their capabilities; that they are seen only as the beneficiaries of affirmative action.

I watched a program just this evening where one very passionate individual said, ''I don't want to support any program that infers or implies that I am somehow inferior.'' That really is not the issue, because he is not inferior. The problem is that he and others have been victims of societal discrimination. Others call it racism for that is what it is. The truth is that they were not judged based on their quality, they were not judged based on their merit, they were not judged based on the content of their character, but they were judged based on the color of their skin. That has been the practice over the centuries in this country.

Yes, progress has been made. But I listened to the stories of the Tuskegee airmen and I remember the turmoil they experienced fighting in World War II, feeling they had to fight two enemies: one called Hitler, the other called racism in this country.

I listened and I remember very well Congressman LOUIS STOKES, who was a member of the Iran-Contra committee, speaking about what it felt like for him to make a contribution to his country in the service, but to be barred from eating and sleeping in the same barracks as his white counterparts. It did not matter that he was prepared to die on the battlefields; that was OK. You are equal out on the battlefields, you are just not equal in the barracks, you go to the other room, you go to the other fountain, you sleep in another place.

That has been changed, not through the marketplace, but through actual affirmative action on the part of the U.S. Congress. We changed that. We helped to legislate the beginnings of equality—not entirely, but we helped to legislate at least a part of the way. But it still exits day in and day out.

I can give you example after example of people who walk into places of employment who are turned down, not because they are not qualified or the best qualified, but simply because of the color of their skin or even their gender. So we have not arrived at a color-blind society. I know there are those on the floor who will say our goal must be a color-blind society, and I agree, but we are not there yet, not when you put Martin Luther King's photograph in the cross-hairs on a T-shirt, not when you put signs up that say, ''No blacks''—and I am qualifying it a bit here—''are allowed to cross this line.''

The Senator from Texas says this is simply a surgical strike on this particular piece of legislation. But he has already indicated there is going to be surgery after surgery. This is only one surgical strike. We have a bombardment coming until every aspect of any kind of remedial action for past, present and future discriminatory policies are eradicated.

So why have we had set-asides? We ought to face the issue, why have we had set-asides? It is because blacks and other minorities have been frozen out and women have been locked out of opportunities. We have had 200 years-plus of this discrimination, but only 30 years of trying to overcome that. We are not trying to put unqualified people into positions, but to give those people who are qualified an opportunity to break through the barriers that we have allowed to exist for a long, long time. The point of affirmative action is not to establish quotas, it is to allow qualified people to overcome discrimination.

So the Senator from Texas asked the question: If you believe we ought to legislate unfairness, then you support the amendment that has been offered as a substitute. I would put it another

way: If you believe we ought to ignore unfair practices, if you believe we ought to allow those who have been historically and to this day are treated unfairly in the marketplace to continue to be discriminated against, then you vote for the amendment of the Senator from Texas.

Mr. President, I think the choice is pretty clear. I hope when the vote finally comes that we will reject overwhelmingly the amendment of the Senator from Texas and support that of our colleague from the State of Washington.

The PRESIDING OFFICER. Who yields time?

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized. Who yields time?

Mrs. MURRAY. Mr. President, I thank my colleague from Maine for his very eloquent remarks and support. I hope all our colleagues had the opportunity to hear what he had to say. I yield as much time as she needs to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Mr. President, I thank the Senator from Washington for yielding.

At the outset, I want to tell you a little story that happened in my lifetime. When I was very young, 7 or 8 years old, we went south on the train from Chicago to the city of New Orleans. We were going through Alabama. We stopped at a train station, and there were water fountains. This is in the days Senator COHEN has referenced, the days when there was official segregation in this country.

We stopped at a train station. One of the water fountains was labeled ''colored.'' My mother, because she did not want to start a ruckus in the train station, would not let us go to the colored fountain to get a drink of water, even though we were thirsty.

My little brother, however, who was about 5, laid out in the train station and had a temper tantrum because he wanted to have some colored water. He thought it was going to come out of the fountain pink, blue, green, yellow, and red, a rainbow of colors, and he was determined to have some colored water.

Mr. President, I want to suggest the amendment of the Senator from Texas is colored water. This amendment tries to convince us that it is an amendment in favor of fairness and an amendment in favor of diversity, an amendment in favor of America and the kind of country that we are, a diversity of people, people of all colors and genders and coming together, and that somehow or another this supports that vision of America.

But, in fact, just as we all knew that the water coming out of that fountain in that segregated train station in Alabama was not pink and green and blue, we knew in our hearts, we knew it was just plain old water, but it was going to be set aside. It was different water. It was a segregated situation for those of us who were not white.

We know at the base that this amendment seeks to roll back the clock and turn back the gains that women and minorities—as limited as they may be—have made in this country in the last several decades.

You know, maybe we should thank the Senator from Texas because, quite frankly, this issue was bound to come to the floor. He has already said he is going to have it on every bill. Maybe we should have this debate on every bill. But I think it is of critical importance that we tell the truth about what this amendment is and point out to the American people that colored water is not pink and green. It is not a rainbow. Colored water is just that—it is something that is less than what is given to everybody else.

This amendment of the Senator from Texas is just that—it is something less. Yes, we are indeed clever enough to use his words to understand exactly what he is talking about in this amendment. And this world will understand exactly what he is talking about with this amendment.

The Senator from Maine talked about the past and the ugly history that we all know about in this room. Let me submit that the issue of affirmative action is not as much about the past, or even the present, as it is about the future—the future that these young people will have, the future that we give to the next generation of Americans.

If that future is going to allow for us to build as a nation on our diversity, as a strength of our Nation as opposed to weakness, then we must defeat this attempt by the Senator from Texas and every other one he or anybody else comes up with on this floor. If we are going to send a signal that we believe in opportunity for America, then we must defeat this attempt to roll back opportunity.

There is no question, as the Senator from Washington pointed out, affirmative action does not guarantee anything to anybody. It is not a carving stone where you get it just because of your belonging to a group. It is a principle based on merit. It is not about quotas.

Frankly, when we talk about preferences, the Senator from Maine is exactly right. We have all kinds of preferences. We have preferences for senior citizens; we have preferences for people, depending on where they live; we have preferences for people based on the fact that they served in the military, whether they ever saw a war or not; we award preferences because we think there is an objective, a value, if you will, that is important to promote.

So why, then, this argument that somehow or another, by allowing an opportunity to compete for women and minorities, that sets up some preference that may not be logically or ethically or intellectually supported? Why, then? Given the history, and given where we are and the fact that the evidence makes it clear that discrimination and exclusion for women and minorities still exists, not only in our community, but also in our economy.

There were, in the report that the President had done, ''The Affirmative Action Review,'' results from random testing. They make the point that there was a series of tests conducted between 1990 and 1992. It revealed that blacks were treated significantly worse than equally qualified whites 24 percent of the time, and Latinos were treated worse 22 percent of the time, et cetera, et cetera. It goes on.

So we know, everybody here knows that discrimination still exists, even though we are all, I hope, committed to its eradication. We all know that is a fact. But discrimination notwithstanding, the fact is that the numbers do speak for themselves. Why is it that we are still looking at a situation in which, for our procurement in this Nation, at this time 50 percent of the population being female, 1.21 percent of the contracts awarded in 1993 went to women-owned businesses—1.21 percent. The amendment of the Senator from Texas seeks to roll that back.

Now, does this suggest that 98.89 percent of the people that got the contracts were better qualified than that 1.21 percent of women-owned businesses? I think everybody in this room and everybody listening knows that there are other explanations for why that figure is so low.

So why, then, is it inappropriate to suggest that we give women-owned businesses, that we give minority-owned businesses a shot; that we give them a chance to compete, not based on any lack of qualifications, but, indeed, based on qualifications? Why are we suggesting that we close the door on that chance, that we shut down that opportunity and indeed cripple the diversity that I believe—and I hope my colleagues will concur—is at the heart of the future of America.

The fact of the matter is that that diversity has been talked about in many instances by businesses in this country as a business imperative. We are in a global economy with global markets, and not everybody in the world who does business is male, and not everybody in the world who does business is white, and not everybody who does business in the world speaks English, for that matter. So does it not make sense for us to, if you will, stir the competitive pot a little bit, to allow for an equality of opportunity for all Americans to participate in this economy and in building this Nation for this global economy and preparing our country to compete in this world market? Does it not make sense for all Americans to allow every child a chance to participate on an equal basis, to give everybody a shot—not that we guarantee a young person a chance

when we allow for a college scholarship. We do not guarantee them an ''A'' in chemistry, but we guarantee them a chance to get into the classroom so that possibly if they are an ''A'' student, our Nation will benefit from the contribution they can make.

Well, that is the whole point of affirmative action, Mr. President. That is the whole point of the kind of initiatives that have been taken to provide, if you will, sheltered markets for women and minorities, and it is not as though anybody has abused any of this. There are only 1.21 percent women-owned businesses.

Last year, Senator HUTCHISON and I worked to pass legislation calling for a 5 percent procurement goal—goal, not quota; not a guarantee, but a goal—for women-owned business. Five percent. Half of the population in this country are female. We said, How about 5 percent? This amendment would roll that back and say, you have 1.21 percent now and last year we thought it would be a good idea to move the goalposts and allow you to at least compete, to try to get to 5 percent. And now we are going to say, well, all bets are off, here is your colored water, drink it and be happy. I do not think that is the will of this U.S. Senate. At least, I certainly hope not.

I would go further to say that the position that is expressed in the Gramm amendment has already been rejected by seven out of nine of the Supreme Court Justices in the recent case of Adarand versus Peña. I would like to read what Justice O'Connor said in Adarand. I think it is something we need to hear. This was the author of the majority opinion that said race-based classification had to withstand strict scrutiny. She said:

> The unhappy persistence of both the practice and the lingering effects of racial discrimination against minority groups in this country is an unfortunate reality, and Government is not disqualified from acting in response to it.

Yesterday, President Clinton made a statement in which he said we are going to comply with the law, with Adarand; we are not going to allow for any quotas. We are going to make sure the programs, where they have not worked appropriately, are going to work right. We are going to do this right. He called upon the American people, really, to speak to the higher angels of our nature, to what kind of future do we want to see. Do we want a future in which diversity becomes part of the energy of this country, where if you, again, stir the competitive pot and allow minorities to participate in the economy and allow women to participate in the economy and allow Americans all to participate in this economy and to participate in making our Nation strong? The President thought that was a sensible approach.

I daresay, Senator MURRAY's amendment, which I strongly support, underscores that notion. Her amendment says that ''none of the funds in this act may be used for any program when such program results in the award to unqualified persons in reverse discrimination, or in quotas, or is inconsistent with the decision of the Supreme Court in Adarand.''

So her amendment says we are going to do this right, do it consistent with the law. Senator GRAMM's amendment, on the other hand, says we are just going to knock the feet from underneath the table of opportunity, and we are going to tell women and minorities, ''Do not bother to come around. We have nothing for you. And, indeed, if you are going to compete, you are going to have to do it as though you were not female, minority, or as though you were starting on a level playing field.''

I think everybody knows that is colored water.

Now, I mentioned appealing to the higher angels of our nature. I know many other people are waiting to speak on this. I would like to yield the floor so that they can. But I would like to refer to Abraham Lincoln, who, of course, was a U.S. President from my State of Illinois. I like to refer to him because he was one of the greatest Presidents this country has ever had. He said in an 1862 address to Congress:

> 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 last 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.

Mr. President, Abraham Lincoln was talking about the great conflagration that this country went through. At the same time, I think that we are right now at another kind of crossroads in this country that will determine whether or not we will go forward, we will nobly save or meanly lose the last, best hope of Earth.

This Nation's future will depend on whether or not we can open our arms, and whether or not we can provide for equality of opportunity, a chance for every American. I appeal to my colleagues not to close that chance down, not to shut the door on the efforts that have begun by women and minorities to integrate themselves as full participants in the economic and cultural and social life of this great Nation.

Our future is at stake in this vote and the following votes. I encourage my colleagues to take the high road and to support the Murray amendment and to reject this attempt—reject this attempt—to divide us and to send us back to a day which, I think, is one that none of us will be proud to visit again. Thank you very much. I yield the floor.

Mr. GRAMM. Mr. President, I always love it when Abraham Lincoln is quoted. I think everyone in this body agrees with the quote that we just heard. In fact, the Nation fought a bloody civil war over it and ended up the winner from having settled the issue, which had to be settled, and was settled correctly.

That is not what Abraham Lincoln said about fairness. In fact, there is another Lincoln quote that goes right to the heart of this issue. That Abraham Lincoln quote is where Abraham Lincoln sought to say, what is the objective of government in providing fairness? On this issue, which applies directly to this point, Abraham Lincoln said, ''The best that a government can guarantee is a fair chance and an open way.''

I do not believe, Mr. President, that any living Lincoln scholar would argue that if Abraham Lincoln stood here on the floor of the Senate today, he would support a provision that gave one American an advantage over another when the American who lost the advantage had merit on his side.

I do not believe that Abraham Lincoln would have argued that two wrongs make a right, which is an argument that we heard earlier today presented, as well as a bad argument can be presented. But it is a bad argument, nonetheless.

Let me begin by trying to answer each of the points that were made. First of all, the Adarand decision. Senator MURRAY's amendment conforms to Adarand because it has no choice but to conform to it because it was based on the Constitution of the United States.

Contrary to the distinguished Senator from Illinois, my amendment is written in total conformity with Adarand. In fact, it has written on page 3 language consistent with the Adarand decision. That is, if the court finds that a contractor was subject to discrimination, the court may provide a remedy with a set-aside to correct the impact of that particular discrimination.

My amendment has the core of the Adarand decision written right into it. In no way is it inconsistent with Adarand, nor could it be, since the Adarand decision is now binding.

Now, let me go through the points. One of the things I want to thank my colleagues for is that nobody argued that the Murray amendment was a real amendment. We heard arguments that my amendment would end set-asides, and that set-asides should not be ended, that people should be given preference, and that it is perfectly acceptable in America to give contracts to people who are not the low bidder and who might not have merit. I want to thank them for doing that, because that is something that Bill Clinton did not have the courage to do in his speech the other day.

Nobody here tried to argue that, to say that you could not give a contract

to someone who was unqualified, somehow represented a real alternative to the amendment. Everybody that has spoken thus far has made it very clear that this is an issue about set-asides, and that they are for them, and that they believe that preferences are right, and that they are somehow justified.

Now, here is how they are justified. Senator MURRAY says they are justified because under 8(A) contracting there is only $8 billion, that they are justified because we are giving only $8 billion on a noncompetitive basis, and we are spending so much money, and that is so little money, so the unfairness involved here is relatively small, and, therefore, we ought to continue to do it.

Now, it does not take into account all the other contracts that have some set-aside written in them. Just about every highway contract in America has a set-aside for subcontractors. Set-asides create unfairness. That is what the Adarand decision was about.

The second argument is an argument that 90 percent agree there has been terrible unfairness in our country. I think everyone realizes that. I think it is part of our history. I think the greatness of America is that we have worked to overcome it. I am proud of that. I take a back seat to no one in hating bigots and hating racism and hating prejudice. Hate is a strong word, and I use it advisedly.

Two wrongs do not make a right. We cannot correct inequity in America by making inequity the law of the land. We cannot correct things that happened 200 years ago by discriminating against people in America in 1995.

The only way to have a clean break with the unfairness of the past is to purge unfairness from the present and the future. I believe we need to be absolutely relentless in enforcing the civil rights laws. It is fundamentally wrong to give somebody a job when someone else is better qualified. It is fundamentally wrong to promote someone based on some privilege they are granted, rather than promoting the person who had the better record.

It is profoundly wrong, in fact it is un-American, to give somebody a contract when they were not the low bidder, when they were not the high quality bidder. I do not believe that two wrongs make a right. I think what we have to do is relentlessly pursue fairness. You cannot have fairness by legislating unfairness. That is what this debate is about.

The next argument is that women get only 1.21 percent of the contracts. I remind my colleagues, women own over half the wealth in America. It is almost certainly true that, given the fact that women own over half of General Motors and General Electric and General Dynamics, trying to take the set-asides in a particular program of the SBA and say that those are the only contracts that women are getting is inaccurate. Women are running large corporations, women are running businesses that are not applying for contracts under set-asides and which get contracts in America every day.

The next argument is: Allow people to have a shot. Continue set-asides so that people have an opportunity to compete.

People have an opportunity to compete in America because our system today, and we thank God that it is so, is based on merit and competition. Not that it is perfect. Not that we do not need to work relentlessly to make it closer to being perfect. But the point is, people are allowed to compete. And to say that people cannot compete unless they are given a special privilege, I think, perverts the whole idea of equality. The idea that by ending set-asides we are saying to women and to minorities, ''Do not come around,'' assumes that only with set-asides can women and minorities compete.

Finally, the argument for equal opportunity is completely turned on its head here. What my amendment seeks to do is to bring fairness back to the American system of contracting. For 35 years in America, beginning with an Executive order under Lyndon Johnson, compounded by an Executive order under Richard Nixon, and now written into numerous laws and regulations, we have written in quotas and set-asides. We have written in a system that consistently, in terms of the programs that are targeted for this purpose, grants contracts not based on merit but grants contracts based on privilege. That is fundamentally un-American. It is fundamentally wrong and it needs to end.

The American people, by overwhelming margins, are opposed to set-asides. We are spending the taxpayers' money. How can we be good stewards of the taxpayers' money when we grant a contract to someone who was not the high-quality or low-cost bidder? I think we cannot.

It is fundamentally unfair to give a contract to someone who did not win it on merit. What my amendment seeks to do, and does it explicitly, is this. It preserves our ability to spend money to recruit, to educate, to help. Under my amendment we can go out and advertise contracting all over the country. We can target the advertising to specific groups. We can help specific groups in learning how to do Government contracting. We can help them get onto the playing field. But that is where help ends and competition begins. Because under my amendment, unlike the amendment of Senator MURRAY, once people are on the playing field, once the contracts are submitted, we are then forced to make the judgment on merit and merit alone.

I conclude by simply saying this. There is no other way to make decisions that are fair, other than on merit. As long as we make decisions on any basis other than merit, they are inherently unfair. As long as we make decisions on any other basis besides merit, then we are judging our fellow Americans as part of groups rather than as individuals. When the whole world is torn apart with struggles where people feel themselves more part of a group than part of a nation, I think this is a destructive policy that divides Americans. And I think it needs to end.

Our goal as Americans has always been that people would be judged as individuals. As a great American once said, ''that they would be judged by the content of their character and not the color of their skin.''

Set-asides are wrong. They are unfair. They are un-American. And they should end.

I reserve the remainder of my time.

Mr. SPECTER. Will the Senator from Texas yield for a question?

Mr. GRAMM. The Senator has 10 minutes. I would be happy if he uses his time. I will preserve mine. I have people coming to speak.

Mr. SPECTER. If I may ask the Senator from Texas a question on my time?

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. On my time, then, I ask the Senator from Texas this question.

He makes the comment that his amendment is consistent with Adarand, and said further that it would have to be.

I will call the attention of the Senator from Texas to the opinion of Justice O'Connor, saying,

> The unhappy persistence of both the practice and the lingering effects of racial discrimination against minority groups in this country is an unfortunate reality and Government is not disqualified from acting in response to it.

Then, Justice O'Connor goes on to say,

> When race-based action is necessary to further a compelling interest, such action is within constitutional constraints if it satisfies the ''narrow tailoring'' test set out in this Court's previous cases.

Well, the first question would be: Having stated that the Senator from Texas agrees with Adarand, then would the Senator from Texas not agree with what Justice O'Connor has said, that a race-based preference is appropriate when it is narrowly tailored to satisfy a compelling State interest?

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, let me pose a parliamentary inquiry. Is it in order for a Senator on his time to ask me a question?

The PRESIDING OFFICER. If unanimous consent is given.

Mr. GRAMM. Mr. President, let me try to answer this one. Then I will go with the regular order. I am not objecting.

Let me say this: What I have done in section B on page 3 is simply made it clear that if a set-aside is granted as a remedy to an act of discrimination that has occurred where the party that is being subject to the set-aside committed discrimination, then clearly it would be allowed under section B. I believe that is consistent with the Adarand ruling. And I believe it is consistent with what I am trying to achieve here.

My objective is not to ratify the Adarand ruling; my objective is to end set-asides—except in those cases where the court might order them as a specific remedy to discrimination which has been committed by the party that the set-aside is being imposed on. For example, if the courts found that a contractor had engaged in discrimination against a subcontractor, under my amendment they would have the potential remedy to order that the contractor grant a set-aside of the contract to the party that has been discriminated against. But under my amendment, they could not order that the contractor—or my amendment would not order that the contractor have a set-aside program for people who have never been discriminated against by him and may never have been discriminated against by anyone else.

Mr. SPECTER. Mr. President, that is very interesting but not a response to my question. And with 10 minutes I cannot engage in a dialog with the Senator from Texas.

I submit to the body that under the standards articulated by the Senator from Texas in the Adarand case, his amendment must fail because where there is a preference based on action by the Government, or where there is a preference based where a previous court order has not been complied with, that is satisfied under Adarand.

And Justice O'Connor goes on to point out that in the Paradise Case, United States versus Paradise, in 1987, every Justice of this Court—that would include Justice Scalia—agreed that the Alabama Department of Public Safety's ''persuasive, systematic and obstinate discriminatory conduct'' justified the narrowly tailored race-based remedy.

One of the difficulties, Mr. President, in considering a matter of this complexity within the confines of a 2-hour time limit is that it does not give nearly enough opportunity to go into depth on these very intricate issues. And I think it is worth noting that both the Speaker of the House of Representatives and the majority leader of the U.S. Senate decided not to take up this complex question in this session until, as the Speaker put it, there could be other determinations made to help women and minority groups in America.

The first notice I had of the amendment by the Senator from Texas was shortly before he presented it on the floor. It is a very, very complex matter, it is a very serious matter, and it is one really where the Senate cannot deal intelligently in the course of 2 hours of debate.

My own view, Mr. President, is that it would be vastly preferable to deal with discrimination on an individualized basis, and that we really ought to have an EEOC which did not have a backlog of 100,000 cases. I am very much opposed to discrimination in any form, and that includes reverse discrimination, as the Supreme Court of the United States struck down reverse discrimination against white males in the Memphis firefighters case, when the layoff orders discriminatorily applied to white males.

But there are situations where the unanimous Supreme Court has decided that where there has been a situation where the Court has ordered a remedy, and it has been disregarded, or when there is State action such as the activity of the Alabama State Police, that a remedy is required and a remedy is entirely in order.

The comments by Justice O'Connor, it should be noted, were concurred in by Chief Justice Rehnquist and by Justice Anthony Kennedy. And it is a very important fact, as noted by the Court, that the persistence of both the practice and the lingering effects of race discrimination against minority groups in this country constitute an unfortunate reality, and Government is not disqualified from acting in response to it.

I must say, Mr. President, that on short order, the amendment offered by the Senator from Washington cannot really be considered appropriately, and at sufficient length either. But it is my hope that this body does not act summarily and hastily in an effort to deal with the very important point involved here.

In the last few seconds that I have, let me ask the Senator from Texas one further question as to whether he would agree that a preference based on race would be justified in the case of United States versus Paradise, where, as noted, the Alabama Department of Public Safety had a pervasive, systematic, and obstinate discriminatory conduct by consistently refusing to hire any African American, which a unanimous Court, including Justice Scalia, said justified the narrow race-based remedy, whether the Senator from Texas would agree that that is proper, and that it is not within the confines of his amendment but in fact would be prohibited on the face of his amendment.

Mr. GRAMM. Mr. President, if I might respond, let me say that the case that is referred to by our distinguished colleague from Pennsylvania has to do with quotas. My amendment has to do with set-asides. So they are entirely different subjects.

But let me say that I refer him to section B on the page where I specifically in my amendment provide a remedy based on a finding of discrimination by a person to whom the order applies.

So that if a contractor, which is the relevant subject here, engages in discrimination, a remedy that the Court can use under this amendment is to impose a set-aside, and clearly in that case, different than a quota case which would have no application here, it would be permissible.

The PRESIDING OFFICER (Mr. FRIST). The time yielded to the Senator from Pennsylvania has expired.

Mr. SPECTER. May I have 1 additional minute?

Mrs. MURRAY. Yes. I yield 1 additional minute.

Mr. SPECTER. Since the Senator from Texas bases the distinction of set-aside as contrasted with quotas—this Senator is very much opposed to quotas—then would he agree that a preference based on race would be justified in the face of a discriminatory practice as indicated by the State of Alabama?

Mr. GRAMM. I believe that, if it is proven that an employer is engaged in discrimination, a justifiable remedy is to set a quantifiable goal whereby they demonstrate as a way of undoing that discrimination that it no longer exists. The point is in my amendment I specifically allow that with regard to set-asides.

Mr. SPECTER. That would be a preference.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I have a number of speakers who want to speak on my side. I would like to know how much time is left on both sides.

The PRESIDING OFFICER. The Senator from Washington has 18 minutes 45 seconds. The Senator from Texas has 32 minutes 39 seconds.

Mrs. MURRAY. I would be happy to let the Senator from Texas use his time since I have a number of speakers. We do not have much time at this point.

Mr. GRAMM. Mr. President, let me make a couple of points. And then, since the distinguished Senator from Washington has those here who want to speak, she can go ahead and allow them to do it.

The distinguished Speaker of the House has endorsed this amendment. This amendment is expected to be offered to the defense appropriations bill by Congressman GARY FRANKS, and the principal cosponsor is the Speaker of the House. What the Speaker of the House is going to do, in addition to supporting this amendment, is to support other independent programs that are aimed at doing two things: No. 1, creating more opportunity; No. 2, relentlessly pursuing the civil rights laws of the land. But it is clearly incorrect, and verifiably so, to say that the Speaker of the House does not support this approach. In fact, he is a cosponsor of the amendment that will be offered by Congressman GARY FRANKS. Congressman FRANKS and I have joined together on this effort.

One of the distinctions that continues to be made, which is a distinction that cannot sustain any rational analysis, is an effort to say that some people can be given preference without engaging in reverse discrimination against others.

This, Mr. President, is falling back into this rhetoric barrage from the President yesterday where the President gave a wonderful, passionate speech against discrimination in America. I could have given 90 percent of that speech and have felt as passionate as the President did. But when he got down to the heart of matter, this mumbo jumbo terminology comes into effect.

And what the President said—and what we have seen touched on here on two occasions—is the following: I am for giving some people preference. But I am not against creating—I am not for treating anybody else unfairly. I want to, in the process—it seems to me that our colleagues who oppose ending set-asides in America are saying—I want to give these groups preference because I believe that they deserve it either based on past actions in the country or based on the fact that in the big scheme of things this is not that much money, but it is not my intention in doing that to discriminate against anybody else.

That basically is what is being said.

That is a nonsensical statement, Mr. President, because if we have a contract bid and we have the five of us who are here and we all have a bid on the contract, and if Senator DOMENICI is given the contract because a preference is given to people from New Mexico, when in fact the Senator from Illinois has submitted the low bid, and let us say, to make the case as clear as possible, we are all qualified to do the job, by the very act of giving Senator DOMENICI the contract, anyone who had a lower bid than he did has been discriminated against.

The point is you cannot give preference to one group or to one individual without discriminating against another individual or group. This is the nonsensical position that the President has sought to argue.

There is only one way to decide who ought to get a contract in America, and that way is merit. There is only one way to fairly decide who gets a job, who gets a promotion, or who gets a contract, and that is merit. When you decide it on any other basis, you are inherently unfair and you are inherently discriminating against people who would have won the contest on merit. Once you start doing this, you are building unfairness into the system.

We need to end set-asides. We need to be relentless in our pursuit of the equality of opportunity. You cannot promote fairness by legislating unfairness. We cannot correct the ills of the country 10 years ago, 20 years ago, 200 years ago or even yesterday by writing the same unfairness into the law of the land. If someone is discriminated against, the courts have the power, under my amendment, to use a specific set-aside to remedy it, but they cannot simply argue that they are part of a group that is given preference.

What my amendment does is end set-asides. What the amendment of the Senator from Washington does is cloud the issue by saying that contracts cannot be given to people who are unqualified.

The issue is not that the bidder who gets the contract is unqualified. The issue is when you have a set-aside, the bidder who gets the contract is not necessarily the best qualified. And that is a key distinction. That is why one amendment is trying to end set-asides and why the other amendment is a ruse to protect them, to foster and to continue the unfairness that is imposed on the system.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, civil rights remains the unfinished business of America. We have taken very bold steps in recent decades toward racial and gender equality, but discrimination in this Nation persists, sometimes in very obvious forms, and sometimes, in very subtle forms.

The recent report of the Labor Department's Glass Ceiling Commission highlights the many problems still encountered by victims of discrimination seeking to move up the ladder in firms across America. That study, which resulted from legislation sponsored by Senator DOLE, reported that 97 percent of the top executive positions in Fortune 1500 companies were held by white men, who are just 43 percent of the work force.

According to U.S. Department of Labor statistics, black and Hispanic men in 1993 were about half as likely as white men to be employed as managers or professionals and much more likely to be employed as operators, fabricators, and laborers. Black and Hispanic women were much more likely than white women to be employed in generally lower paid service occupations.

In the Nation's largest companies, only six-tenths of 1 percent of senior management positions are held by African-Americans, four-tenths of 1 percent by Hispanic-Americans, three-tenths of a percent by Asian-Americans. White males make up 43 percent of our work force, but hold 95 percent of these jobs. Only 9 percent of American Indians in the work force hold college degrees.

These are just a few statistics that indicate that a level playing field does not exist in the American work force. Much remains to be done. We will not eradicate race and gender bias in the work force by ignoring it—we must continue our efforts to increase the participation of individuals who traditionally have been excluded. Only then can we claim to be a nation of opportunity. Only then can our diversity truly become our strength.

We are now in the midst of a significant debate over how best to fight discrimination. This debate is sometimes very difficult, and often very painful.

The issue of discrimination is too important to be grist for the mill of partisan politics. We must examine the methods of fighting discrimination, but we should not question the goal of realizing truly equal opportunity for all Americans.

Affirmative action is one of our most effective means and best hopes for realizing that goal, and for rooting out bias based on race and gender.

The President said it best: ''When done right, affirmative action works. It contributes to greater diversity in environments where none existed. It provides opportunity for individuals who have been denied opportunity through hatred, exclusivity, and ignorance.''

Civil rights is and has always been a bipartisan issue in Congress. The Party of Lincoln has produced many stalwart supporters of strong civil rights legislation: former Senators Everett Dirksen, Jacob Javits, Lowell Weicker, and Jack Danforth have led the way in the past, and many of our Republican colleagues carry on that distinguished tradition today.

We must continue that bipartisan effort in the ongoing battle against discrimination in all its ugly forms.

If there have been abuses of affirmative action, then we need to review and address those abuses. Every Federal affirmative action program should be reviewed to determine whether it has been effective or detrimental.

But we must be careful to protect those programs that have worked and that continue to work well.

President Clinton is right to broaden set-asides, to oppose quotas, to reject preferences for unqualified individuals and reverse discrimination, and to end programs that have been unsuccessful.

And he is right to support the continuation of a program that continues to make a difference in the lives of those who would otherwise remain on the fringes of society, despite their qualifications, their education, their hard work, and their integrity. Those principles are the essence of the Murray amendment, and I urge the Senate to approve it.

Long ago, our forefathers founded this Nation with the fundamental promise of equal justice for all. We as a nation have not yet achieved that promise, but we have taken bold steps toward its fulfillment. We must not retreat from that promise.

Ms. MIKULSKI. Mr. President, I rise to oppose the amendment offered by Senator GRAMM to kill affirmative action initiatives in Federal contracts, and I support the second degree amendment offered by my colleague, Senator MURRAY.

I oppose the Gramm amendment because we cannot walk away from the people in our society who have either been left out or pushed aside. We must have tools to deal with persistent bias.

Mr. President, the second degree amendment is very clear. No Federal

funds can go to any affirmative action program that results in quotas, in reverse discrimination or in hiring of unqualified persons.

It makes very clear that affirmative action programs must be completely consistent with the Supreme Court's recent Adarand decision. That decision says that affirmative action programs could be justified.

The second degree amendment recognizes that the war against discrimination is not won. It still exists today.

And affirmative action is just one tool needed to help win that fight. But, other tools are needed too—education, employment, and Federal contracts.

Mr. President, I support enforcing the law. That means no quotas because they are illegal. That means no discrimination because it is illegal—and totally unacceptable.

Mr. President, affirmative action is about persistent bias in our system, bias in our government agencies, and unfortunately bias in the hearts of many people.

I'm talking about persistent bias against minorities, against women, and against economic empowerment.

What do I mean when I say persistent bias? I mean when people are told throughout their lives ''no'' based on their race, gender, or ethnicity.

When they are told no you can't go to that school, no you can't belong to that club, no you can't go to that college, no you can't have that job, no you can't have that promotion, no you can't have that salary.

Persistent bias exists. The Supreme Court knows it. Statistics show it. And every day, someone in the United States feels it.

Mr. President, statistics prove that persistent bias exits. The Glass Ceiling report shows the disparity against minorities and women.

Black men with professional degrees earn 79 percent of what white men make with the same degree and in the same job.

The report states that white men make up 43 percent of the work force, but hold 95 percent of the senior management positions.

And women and minorities who do make it to the top, make less than their male counterparts. Why is this the case? Persistent bias.

It's not just about race, it's about gender too.

Exactly how far have women come? Only 5 percent of senior managers in Fortune 2000 industrial and service companies are women.

Women are over 99.3 percent of dental hygienists, but are only 10.5 percent of dentists. Women are 48 percent of all journalists, but hold only 6 percent of the top jobs in journalism. And it's 1995.

Mr. President, with facts and statistics like these, the need for affirmative action programs is crystal clear.

I'm against discrimination. Everybody else says they are too. But the problem is that many people don't practice what they preach.

Throughout America, growing and pervasive economic insecurity has created immense anger and anxiety. We've heard it all. Some say that minorities and women are the problem. And so, many attack affirmative action.

Everyone is afraid of losing their job, being downsized or being left behind.

Blacks and whites, men and women are being pitted against each other—most often for political gain. But, let's be clear. Scapegoating takes us nowhere.

Look at how we all benefit from having an inclusive society where everyone has the opportunity to achieve and compete. Affirmative action has just begun the process of opening up the competition to everyone.

Between 1982 and 1987, the number of women-owned businesses rose more than 58 percent.

And now we see more women and minorities in law enforcement, firefighting, skilled construction work, and as doctors, and lawyers. But, it's not enough.

Discrimination is still alive and well. My constituents write me repeatedly about discrimination in our Federal Government agencies and right here in our own U.S. Congress.

Mr. President, We must provide an opportunity ladder. The Gramm amendment cuts off that opportunity.

You don't have to sacrifice quality when you pursue equality. Affirmative action is not a guarantee for those who could not otherwise succeed. It's simply an opportunity to compete. I support giving everyone that opportunity.

I'm going to fight for equality, fairness, and a merit-based society, with real opportunity structure so that people can make it, and the end of persistent bias. We have to show people that we are on their side.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent to add Senator DODD and Senator FEINSTEIN as cosponsors of the amendment.

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

Mrs. MURRAY. I yield 5 minutes to the Senator from Illinois [Mr. SIMON].

Mr. SIMON. Mr. President and my colleagues, I thank my colleague from Washington for yielding. I rise in strong support of her amendment and in opposition to the amendment of the senior Senator from Texas.

Let me give you a very practical example. When I was in the State legislature, a young African-American contractor just starting off wanted to do a little bit of curbing work at Scott Air Force Base. He could not get a bond. I went to bat for him. I could not believe the barriers that were there for this person to get a surety bond so he could get a construction job.

We finally, after screaming and hollering, broke through, and he built up a business and eventually moved to Atlanta and became one of the 10 wealthiest African-Americans in our country. The barriers are there for a great many people, and surety bonds are a good illustration.

I introduced a bill last session—I believe I have introduced it again this session—to say you cannot discriminate in the issuance of surety bonds. Why, you would think a little bill like that would have no trouble at all. What a storm of opposition it got.

We have to make opportunity for people. Has anyone here ever heard of a country club that is all white and all male? Well, they are all over the place. We know it. And that is where a lot of business gets done.

Can affirmative action be abused? Of course, it can be abused, like education and religion and a lot of other things, but it is sound.

We are talking about opportunity. I heard my friend, Rev. Joseph Lowery, from Atlanta, on NPR yesterday. He heads the Southern Christian Leadership Conference. On affirmative action, he said those who resist, they push somebody outside; you have to stay out in the rain all night. Then in the daytime you invite them in, and they are standing on the oriental rug and we say, ''Sorry, we cannot give you any business because you are wet.''

We have to recognize that there have been some abuses in our society.

Let me just give you one example. Today, the average woman who works makes 72 cents as much as the average male. That is not good. But it used to be 59 cents. That is progress. I have seen a lot of progress in our society, and if this is adopted, this is just one step down the road to knocking out other affirmative action.

We all practice some affirmative action. It is very interesting that in Senator GRAMM's amendment, he accepts that we are going to have affirmative action for historically black colleges and universities. I applaud him for taking that step, but what is true for historically black colleges and universities ought to be true for women and minorities who are in business also.

What we have to do in our society is make opportunity for people. The amendment offered by our colleague from Washington moves on some of the abuses without saying let us stop doing this. And make no mistake, if this is adopted, there will be other amendments in the future.

When my friend from Texas says, well, people can go to court and get this resolved, let us say you are a small contractor and you cannot get a surety bond. No. 1, you probably cannot afford to go to court. No. 2, going to court sounds like an easy remedy —and I see I am getting the look from the Presiding Officer here now—but the reality is that it is just not a realistic option. The Gramm amendment should be defeated.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mrs. MURRAY. Mr. President, I yield 5 minutes to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, Senator GRAMM knows that I hold him in high respect, but frankly I do not think this is the way we ought to handle a matter of this importance. Everybody that is speaking tonight in the Chamber obviously is well motivated, but from my standpoint there is an awful lot of discussion in the Chamber that ignores reality.

The reality is that the U.S. Supreme Court, while it said we have to do these things differently, acknowledged that there is discrimination in the United States. I believe there is. I believe we are doing better. And clearly we are better than we were 100 years ago and better than 50 years ago.

Mr. President and fellow Senators, there is no question that this is an important issue—discrimination. And to come to the floor on an appropriations bill, no public hearings that I know of, no committee hearings that I am aware of, and to suggest that on each appropriations bill we are going to tailor some way to get rid of affirmative action in the United States, in my opinion, is as apt to miss the point as it is to solve anything.

Frankly, in the United States of America, we cannot rely solely upon the discrimination laws of this land to bring equity and fairness to Americans. In fact, many of us would stand up and say society is already overburdened by antidiscriminatory legislation and that there ought to be a better way to bring some equity into this system.

Now, I am a staunch proponent of capitalism, but I tell you, to come to the floor and say that the capitalist system will break down if everything is not based on competition and merit, is to ignore reality.

There is plenty of rule and regulation of the capitalist system that sets apart many things that are not based upon either merit or competition. And the truth of the matter is we ought to find a way to comply with the Supreme Court's decision and do something about discrimination from the standpoint of opportunity. Not from the standpoint of going to court to enforce one's rights.

And I submit we can find some ways. It certainly is not what we are doing today. And it is not what either of these amendments will accomplish in my opinion.

The Senator from Washington yielded time to me, and I will say to my good friend, I was not for her amendment either. It is too difficult to understand. We ought not be debating it here at 9:20 with 10 or 15 minutes per speaker. This is an important issue, really. And perceptionwise, it is a gigantic issue. And I do not know why we have to do it this way. I do not know why we have to say to the millions of Americans who are worried about discrimination, ''It is just plain and simple. There is nothing to it. Just come to the floor. And I have 16, 20 words. We will fix it all up.''

My friend from Texas is a great wordsmith and I have great respect for him. But I submit to him this is not the way to do business. I will not convince him because he is convinced that this is a most important issue. And for that, I admire him. He has always spoken his piece. But this is not the way to address this issue in the United States of America on an hour's notice on an appropriations bill about the legislature of the United States and how we pay for it. And we ought not do it. Both amendments ought to be defeated. And we ought to pass a legislative appropriations bill tonight.

I yield the floor.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Let me thank my colleague from New Mexico. And I agree with him we should not be legislating on this appropriations bill. As the ranking member on this committee, I did not chose this evening and this time to have this debate. It was certainly brought before us by the Senator from Texas. And under that I offered my amendment to second degree it. I am not afraid to debate this. But I agree with you. It should not be done on a legislative appropriations bill.

I thank the Senator.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. I could not disagree with my colleague more strongly. We are getting ready to spend billions of dollars in the first appropriations bill of this year. The American people have debated this issue. The President of the United States spoke at great length on it yesterday. It has been an element in the platform of my party for over a quarter of a century.

This is an issue which is well understood and it is not complicated. The issue here is, should we have contracting through the Federal Government, in this case through the legislative branch of our Government, that part that we control directly—should we be letting contracts as a Congress not on merit but rather on race, color, national origin, or gender?

I say no. The American people say, overwhelmingly, no. And if we let these appropriations bills pass without ending set-asides, then we are continuing a practice that the American people clearly rejected in the 1994 election, and that, by huge a majority, the American people want fixed.

This is not an amendment that was born out of thin air. This is the amendment that has been worked on by many, many people. It is a joint effort that I have undertaken with Congressman GARY FRANKS in the House. His cosponsor is NEWT GINGRICH and the amendment is supported by the entire House leadership. And what the amendment says is very, very simple. It says that none of the money we are going to be spending under this bill can be used for the purpose of granting contracts that are awarded in total or in part based on race, color, national origin or gender.

My amendment clearly allows for an outreach program. The Government can spend any amount of money, helping people learn how to bid, helping people to get to the site of the bidding, helping people put together their bid. But, under this amendment, once the bids are offered, the contract has to go to the most qualified contractor. The contract cannot be given to someone on the basis of preference rather than on the basis of merit. The amendment is drafted so as to allow the courts to grant a specific remedy when a person is discriminated against. Now let me touch on several other issues that have been raised by other speakers before I yield the floor.

No. 1, there have been abuses in the past. No one disagrees with that. No one could live in America and not understand that there have been abuses in the past. The point is, by legislating abuses and unfairness in the present and in the future, do we correct the unfairness of the past? Do two wrongs make a right? If two wrongs make a right, then the adage we learned as children must be incorrect.

Second, a point was made it is difficult for some contractors to go to court. That is equally true for contractors who are discriminated against by set-asides.

The Senator claims to be offering an amendment as an alternative to mine, which says that programs cannot be awarded to unqualified persons. The issue here is not whether the person who gets the contract is qualified, the issue is, are they the best qualified?

The fact that the Court said under Adarand that certain types of quotas could be allowed under the Constitution does not mean that the Court said they have to be used. We are able to set by law whether we want quotas or not. And I do not want them. We are able to set by law whether we want set-asides or not. And I do not want them. I think merit is the only fair way to decide who gets a contract in America. And the fact that the Adarand case said that it is constitutional for Congress to have very narrowly focused set-asides does not mean that the Court said Congress has to have them. It simply said that it would allow them to stand under the Constitution. But no one questions that we have the right to limit them.

Quite frankly, my amendment does not totally ban set-asides. In the case where a subcontractor or a contractor can prove that they were discriminated against in the past, on the basis of that proof a set-aside could be used to remedy a specific wrong which is proven.

The idea that some have argued here is that we have a pure system of capitalism that breaks down when there are impurities in it—I make no such argument tonight. America can survive

set-asides. America has survived quotas and set-asides for 25 years. I never cease to be amazed that our system overcomes not only the illness but the absurd prescription of the doctor. It survives not only the natural problems we have, but the problems we impose on ourselves. But the point is, do we want to continue to allocate contracts in America, spending the taxpayers' money, on a discriminatory basis or do we want to demand merit? I want to demand merit.

Final point. This is not a difficult issue to understand. And I want to emphasize this one more time because I am certain that there will be those when the vote is cast who will look at the Murray amendment and say, well, I voted to fix this problem. But the issue here is very simple. Under my amendment we ban set-asides based on race, color, national origin, or gender, period. Under the substitute amendment which is going to be voted in sequence, what it bans is granting an award to an unqualified person. The issue in set-asides is not that the person who gets the contract is unqualified, the issue is that they are not necessarily the best qualified. Is it fair to give a contract to a qualified person when another person is better qualified? If you have two qualified builders, and one submits a bid for $100,000 and one submits a bid for $200,000, is it OK to give the contract to the one who bids $200,000 simply because they are qualified?

The point is, and I am very proud of the fact that nobody here has claimed that in opposing my amendment, they are doing anything other than supporting set-asides, period. That is what the issue is.

There is going to be one real vote on one real amendment. If you are against set-asides in contracts and you want a merit system, then you want to vote for my amendment. If you are not against set-asides, you want to vote ''no.'' If you simply believe that we ought to continue discrimination written into the law of the land, as long as the person who is getting the privilege is qualified, even if they are less qualified, even if they have a higher bid on their contract, then you could find the Murray amendment acceptable. But this is a very clear issue. I think everybody understands what it is about.

Again, when we are spending money is the time that we ought to talk about the conditions under which it is going to be spent. If my amendment is adopted, every contract that we let through the legislative branch of Government will be done on merit, and the contractor with the highest quality work and the lowest price will get the contract. That is the only fair way to do it. The American people support it. It is the American way, and I think it is time we get back to it.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Will the Senator from Texas yield for a question on his time?

Mr. GRAMM. How much time does the Senator have?

The PRESIDING OFFICER. The Senator from Texas has 16 minutes, 52 seconds, and the Senator from Washington, 8 minutes, 45 seconds.

Mr. GRAMM. Mr. President, if the Senator uses her time up, I will, at that point, yield for a question.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. Mr. President, I yield 5 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I may not take all 5 minutes because I know others want to be heard as well.

If he had not said it, I think I would have said it. I want to commend our colleague from New Mexico this evening for his comments. I will support the Murray amendment, which is the one distinction, and I do that because I think having an alternative is necessary.

Frankly, as the Senator from Washington and the Senator from New Mexico have said, we ought not to be considering any of these amendments. I say, with all due respect to my colleague from Texas, that it was once said by some sage that for every complex problem, there is oftentimes offered a simple solution, and it is usually wrong.

With all due respect, I suggest to my friend from Texas that people have debated and discussed and thought about this issue for a great deal of time on how we try and deal with what the Senator from New Mexico has very appropriately and properly said, regretfully, deeply so, there is still racism in our country, there is still discrimination based on gender. Anyone who thinks otherwise is living on a different planet than I am. That is a fact.

No one has yet come up with a perfect solution as to how we solve these problems. The Senator from Washington has offered something on which I think all of us agree. Maybe we ought to this evening support that amendment, because I hear the debate all the time about quotas and reverse discrimination. Her amendment at least puts us on record on those issues. I think that is worthy of support.

We had the President yesterday give a major speech on this issue. He has been under significant pressure for some months to come up with some ideas and solutions on how we might address the issue of affirmative action. Whether or not you agree with everything he said in his speech, he has laid out a roadmap, a plan on how we might deal with these issues.

I think it is only fitting and proper that we in this body at least exercise a modicum of the same degree of deliberation as we look at these issues. To suggest in the space of an hour or hour and a half, with an amendment thrown up this evening, that we are going to solve this problem once and for all, I think is terribly, terribly shortsighted.

So I urge my colleagues this evening, whether you agree philosophically with the Senator from Texas or not, this amendment ought to be rejected, and the people, through this body and the legislative process, can decide what best action we ought to take.

Mr. President, let me say for my part, I happen to think that affirmative action in this country has made us a stronger, a better, a richer nation, because we have reached out to people. Merely look in your own neighborhoods and communities and recognize today what a better country this is than it was even 2 or 3 decades ago when major portions of our population were denied public access to basic facilities.

We are not talking 100 years ago. We have come a long way as a people. The great strength of our country is our diversity, and we need to grope and figure out how we can constantly be more inclusive. That is our strength. It is not our weakness.

Too often when people address this issue, they appeal to the emotions of people. There are people who are troubled today, worried, frustrated about jobs and their families and their futures, and it is so easy to come along and to point to some problem as the reason for their difficulties and then to appeal to those emotions. This is not a time for that. We need to figure out together, in this body and elsewhere, in the private sector and public sector, how we can come together and help address this difficulty.

This is not the way to go about this. This is not the answer, no matter how appealing the language may be. This is not going to help us solve our problems. It divides us, and that is not what we ought to be about in the U.S. Senate. We ought to be seeking the common ground that the President talked about the other night and that the Senator from New Mexico addressed in his brief remarks.

The Senator from New Mexico is right; this is not the time or the place. There is a place, there is a time, but this is not the answer to it. So I urge my colleagues to reject the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, let me just respond very briefly. I do not think there is anyone here who argues that there is no racism in America or that we do not have any discrimination today. I think we all know that, thank God, there is not as much as there used to be, but if there is any, and there clearly is, it is too much.

The point is, however, that we cannot correct unfairness in America by making unfairness the law of the land. We cannot correct injustices of the present

or the past by legislating injustice in the present to carry us into the future.

The point is that any time people are judged on the basis of anything but merit, it is unfair. That is our definition of discrimination. That is our definition of prejudice.

What we are doing with set-asides is legislating discrimination into the law of the land, the idea being that if wrongs have existed, if wrongs exist today, that somehow we can correct them by making another wrong the law of the land. I reject that. I think that is faulty logic, and making unfairness the law of the land, it seems to me, simply holds the system up as being corrupt.

Second, I want to make it clear that I have not used the term ''affirmative action'' once in this debate, and I never use the term ''affirmative action.'' When Lyndon Johnson chose the term ''affirmative action'' in 1965, it is clear to me that he chose it for one and only one reason: Nobody knew what it meant. And it is equally clear that nobody knows what it means today.

I have sought to deal with one issue, set-asides, the granting of contracts on the basis of something other than merit. I make it very clear in the amendment, something that I have worked on with Members of the House and the Senate and outside groups, that there is nothing in this amendment that prohibits outreach, that prohibits recruitment.

The legislative branch of Government could spend an unlimited amount of money trying to get people to bid on contracts, trying to help them bid, trying to outreach to them, trying to school them, trying to be of assistance to them. All of that is perfectly allowable under this amendment. But where this amendment draws the line is that once the contracts are submitted, you cannot decide who gets the contract on the basis of race, color, national origin, or gender. You have to decide it on merit. That is the American way of doing things. Any other way is inherently unfair, is inherently discriminatory, and it is discrimination written into the law of the land.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. Will the Senator yield for a question at this time?

Mr. GRAMM. Yes, I will yield.

Mrs. MURRAY. I thank the Senator. I wanted to ask the Senator specifically about his amendment. Obviously, we are dealing with the legislative branch appropriations here. What programs funded under legislative appropriations are there that concern the Senator and that brought this amendment to us at this time?

Mr. GRAMM. Mr. President, reclaiming my time to respond, we have, throughout our appropriations process, through Executive order and through law, set up a system where routinely contracts are granted on a nonmerit basis.

I did not choose this bill. This bill happens to be the first appropriations bill that came up. But I think the good thing about choosing it is we begin by practicing what we preach, because all the other appropriations bills have to do with the executive branch of Government.

So what I am saying here is that any contract let, whether we are doing construction work on the Capitol, or whether we are doing work at the Library of Congress, or whether we are doing work at the Congressional Research Service, or whether we are building the new dorm for pages—a dorm that I did not even know existed, which is why I always vote against this bill, because there is always something in these legislative appropriations—or has been until this year, and I have more confidence now than in the past—that I do not know about. So what this would say is, to give you an example, in the subcontracting or the contracting on the page dorm, that contracts have to be let on a merit basis. They cannot be let on the basis of a set-aside, clear and simple.

Mrs. MURRAY. Will the Senator further yield for a question?

Mr. GRAMM. I will yield for one last question.

Mrs. MURRAY. I appreciate that because I wanted to ask the Senator this. Under the legislative branch appropriations in fiscal year 1995, the Library of Congress awarded five contracts for a total of $10 million that would be affected by your amendment. Out of, I believe it is, well over $266 million total contracts, only five of those would be affected by your amendment. I am curious as to why you are approaching that for such a minute number on this appropriations bill.

Mr. GRAMM. The Senator has said that under SBA there are only $8 or $9 billion of set-asides. But my response is that this is a matter of principle, it is not a matter of money. It is a matter of principle. The principle is, if it were one nickel, if it were one penny, do we want to be on record in the greatest deliberative body in the history of the world, in the greatest democracy that the world has ever known, saying that we want money we expend—in this case on legislative branch activities—spent in a discriminatory way?

So you can argue that there were only $10 million of contracts here and $8 billion there, and there may have been some in subcontracts. But the point is not the money. The point is the principle. This is not a complicated issue. This is something we should be doing because the principle is as clear as the morning Sun.

Should contracts be let on merit? Or should they be let on a system of preference? In America, do we have competition among individuals? Or do we have competition among groups? That is the issue here. It is a very fundamental issue. It is a very simple issue.

I want to be relentless in our pursuit of equality of opportunity, and we cannot pursue equality of opportunity by legislating bias, by legislating discrimination, by legislating unfairness. The American way is merit. No other way is acceptable. It is not an issue about money. It is an issue about principle because it goes to the very heart of who we are as a people and what we stand for.

I yield the floor.

Mrs. MURRAY. I have one quick additional question. Would the Senator yield?

Mr. GRAMM. How much time remains?

The PRESIDING OFFICER. The Senator from Texas has 8 minutes 36 seconds. The Senator from Washington has 4 minutes.

Mr. GRAMM. I will yield for one last question.

Mrs. MURRAY. I just wanted to know if veterans preferences were acceptable to the Senator.

Mr. GRAMM. A veterans preference is a preference we have set out in law as an inducement for people to serve in the military. It is part of the reward that they get for service. Any American can join the military if they can meet the mental and physical requirements, and in doing so, they know as part of their package that they not only get the pay, they not only get the retirement, but they get a veterans preference in terms of public employment.

It is perfectly reasonable that our Nation has set out a goal of encouraging people to join the military, and many people have taken the opportunity to serve. In fact, the veterans preference now brings diversity to the Federal Government. It is a preference that promotes the very objectives that our colleagues claim they want. But it is an objective that is promoted through service. It is an earned benefit. That is the distinction.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. I yield 2 minutes to the Senator from Minnesota.

Mr. WELLSTONE. Thank you, Mr. President. I guess that having 2 minutes really proves the point that Senator DOMENICI from New Mexico made earlier with a considerable amount of eloquence. This is an important, really fundamental issue that goes to the core of who we are as a people and a society. It really should not be debated tonight on an appropriations bill—the legislative appropriations bill.

I guess about all I can say in 2 minutes is that I wish it was the case when I visit hospitals—now being a grandfather with two small grandchildren—that I could look at a child and feel reassured that that child, regardless of gender, or regardless of race, or regardless of disability, would have the same opportunity. That is called equality of opportunity. I am the son of a Jewish immigrant from Russia, and I think that is one of the most important principles to me in our country, which is why I love our country so much. But, Mr. President, that is not the case.

I think that we ought to think long and hard before we pass an amendment which, I believe, is very extreme, and I believe that its effect—I do not know about purpose—turns the clock back a good many decades. I think it would be a profound mistake for us to support the Gramm amendment. I think that the Murray/Cohen/Daschle/Moseley-Braun amendment, if we are going to have this debate tonight, should and must be the prudent middle ground for us.

Mr. GRAMM. Mr. President, for 30 years we have had unfairness built into the law of the land. I am trying to turn the clock forward to the future, where not only do we have a goal of equal opportunity and merit as a nation, but that our laws reflect it.

In terms of what we all wish when we see our children, I think we all hope for them a society where ultimately merit triumphs. We have heard a lot tonight about problems in America's past, and there are a lot of them. But I think, also, we have to give ourselves credit. America is the greatest, freest country in the history of the world. Since our colleague brought up looking at his grandchildren and thinking about their future, let me conclude on that remark by talking about America in action.

My wife's grandfather came to this country as an indentured laborer to work in the sugarcane fields in Hawaii. I do not know whether they let him vote during that period or not. But they certainly let him work, and he worked off that contract.

His son, my wife's father, became the first Asian American ever to be an officer of a sugar company in the history of Hawaii. Under President Reagan and President Bush, his granddaughter, my wife, became chairman of the Commodity Futures Trading Commission, where she oversaw the trading of all commodities and commodity futures, including the same sugarcane her grandfather came to this country to harvest so long ago.

That is not the story of an extraordinary family. That is the story of a very ordinary family in a very extraordinary country. I want every child born in this country to have the same opportunities that my wife's grandfather had when he came to America. But we are not going to grant those opportunities by writing unfairness into the law of the land. We are not going to fix problems and unfairness in the past by writing unfairness into the law.

There is only one fair way to decide who gets a job, who gets a promotion, and who gets a contract. That fair way is merit, and merit alone.

What my amendment tries to do is go back to merit. This is not a sweeping amendment. This amendment applies to this bill, this year. What this amendment says, very simply, is this, that in letting contracts—it does not apply to contracts that already are in existence, but on the contracts that we will enter into through the funds that we appropriate this year, new contracts—that the letting of those contracts will be on a fair, competitive basis, where merit will be the determining factor.

This is not a revolutionary idea. Although, I guess in a sense it is a revolutionary idea. It is the most revolutionary idea in history. It is the American idea. It is the American ideal. Merit should be the basis of selection and award. That is what my amendment says.

The amendment which is offered, the alternative, says that you should not give contracts to people who are not qualified, but that begs the question of whether someone else was better qualified. Merit is what I seek in this amendment. If you believe in it, I think you should support the amendment. If you support set-asides, I believe you should vote against my amendment and you should vote for the amendment of the Senator from Washington [Mrs. MURRAY].

I reserve the balance of my time.

Mrs. MURRAY. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Washington has 2 minutes and the Senator from Texas, 3 minutes.

Mrs. MURRAY. I yield 1 minute to the Senator from Illinois.

Ms. MOSELEY-BRAUN. Thank you very much, Mr. President, and I thank the Senator from Washington. I will be very brief.

The Senator from Texas keeps referring to two wrongs not making a right. We all know that the first wrong which he refers to, the history as well as the present experience that we had in this Nation, was discrimination.

Let me submit to everyone who is listening, the second wrong is not affirmative action. It is not our effort to fix that tragic legacy. The second wrong lies in this amendment in shutting the door, closing down the small efforts, the small steps we have taken, to remedy, to provide for opportunity, to give people a shot, to give people a chance.

I say to my colleagues, as someone who is both minority and female, I am not comforted at the notion that by getting rid of affirmative action anybody is doing me a favor. So I encourage my colleagues to defeat the amendment from the Senator from Texas.

UNANIMOUS-CONSENT AGREEMENT

Mr. MACK. Mr. President, I have a consent agreement that has been approved on both sides of the aisle on a matter other than this bill.

Mr. DOLE. Mr. President, as some of my colleagues may know, I am in the process of preparing legislation that is designed to get the Federal Government out of the business of granting group-preferences. I will be introducing this legislation next week.

This legislation will stand for a simple proposition—that the Federal Government should neither discriminate against, nor grant preferences to, individuals on the basis of race, color, gender, or ethnic background.

Whether it is employment, or contracting, or any other federally conducted program, our Government in Washington should work to bring its citizens together, not to divide us. Our focus should be protecting the rights of individuals, not the rights of certain groups.

The amendment offered by my distinguished colleague from Texas is consistent with the approach embodied in the bill I will be introducing next week. And of course, I look forward to working with him as well with all of my colleagues on both sides of the aisle.

Rather than the piecemeal approach of amending each of the appropriations bills, I would prefer to address this very, very important issue more thoroughly and as a separate matter—and that's the point of my bill—to serve as a starting point for this discussion.

This legislation may not be perfect, but it is my hope that it can act as the basis for a serious, rational, and, yes, optimistic dialog on one of the most contentious issues of our time.

Of course, our country's history has many sad chapters—slavery, Jim Crow, separate but equal. And, of course, discrimination persists today. We do not live in a color-blind society. I understand this.

But, Mr. President, fighting discrimination should not be an excuse for abandoning the color-blind ideal. The goal of expanding opportunity should not be used to divide Americans by race, by gender, or by ethnic background. Discrimination is wrong, and preferential treatment is wrong, as well.

So, Mr. President, our goal should be to provide equal opportunity—but not through quotas, set-asides, and other group preferences that are inimical to the principles upon which our country was founded.

A relevant civil rights agenda means conscientiously enforcing the anti-discrimination laws. It means outreach and recruitment. And it means knocking down regulatory barriers to economic opportunity, including repeal of the discriminatory Davis-Bacon Act; enacting school choice programs for low income innercity families; and fighting the scourge of violent crime that is unquestionably one of the biggest causes of poverty today.

This is the agenda upon which dreams can be built—and it is an agenda that this Congress should be relentlessly pursuing.

UNANIMOUS-CONSENT REQUEST—H.R. 1944

Mr. MACK. Mr. President, I have a consent agreement that has been approved on both sides of the aisle on a matter other than this bill.

I ask unanimous consent that following the disposition of the legislative appropriations bill, the Senate turn to

the consideration of H.R. 1944 and it be considered under the following agreement:

One amendment in order to be offered by Senators WELLSTONE and MOSELEY-BRAUN regarding Education Funding/Job Training and LIHEAP, on which there be a division, and each of the two divisions be limited to 1 hour, to be equally divided in the usual form with all time being used tonight except for 30 minutes under the control of Senator WELLSTONE; and that at 10:20 a.m. the managers be recognized to utilize 10 minutes for debate to be followed by Senator WELLSTONE to be recognize for his 30 minutes of debate, to be followed by a vote on a motion to table the first Wellstone division, and that following that vote, the majority leader be recognized to place the bill on the Calendar, and if that action is not exercised, the Senate then proceed immediately to a vote on a motion to table the second Wellstone division and that following that vote the majority leader be recognized to exercise the same right with respect to placing the bill on the Calendar, and if that action is not utilized the Senate proceed immediately to a vote on passage of H.R. 1944.

Mr. WELLSTONE. Reserving the right to object.

Ms. MOSELEY-BRAUN. Mr. President, I object.

The PRESIDING OFFICER. The objection is heard.

Mrs. MURRAY. Mr. President, how much time is remaining?

The PRESIDING OFFICER. One minute, 6 seconds.

Mrs. MURRAY. I want to thank all of my colleagues who have come to the floor tonight to speak so eloquently for equal opportunity.

I yield my remaining time to the Senator from Maine, Senator COHEN.

Mr. COHEN. Mr. President, at the heart of the amendment of the Senator from Texas is that everything should be decided on merit. That makes the assumption that we are all starting off on a level playing field. That makes the assumption that we all have equal opportunity and we are born with that equal opportunity.

That completely ignores what is a reality of our lives—that not everybody has an equal opportunity, not everyone has equal access to education, not everyone has the same opportunity to break through various barriers.

There is the assumption that everything is decided on merit. If that is the case, why do we have laws against monopolies? Why do we just not say the company that gets the biggest, that provides the most for the least should prevail in every case? Why do we need to break up monopolies if everything is to be decided on merit?

We have law to prevent that because we understand that not everyone is treated equally in the marketplace.

The PRESIDING OFFICER. The Senator from Texas has 3 minutes and 20 seconds.

Mr. GRAMM. Let me begin with the last point. No one has ever argued, nor does anyone believe, that any two people are born equal. No one believes that the playing field is level.

If the mother of the Senator from Maine loved him and my mother did not love me, no law can ever make us equal. I do not know how much property the father of the Senator from Maine owned when he was born as compared to any other Member. Society cannot guarantee equality, except in one way, and it is what Abraham Lincoln called a fair chance and an open way. There is no legislative remedy to an unlevel playing field other than leveling it in the future so that people can compete. Because there have been wrongs in the past does not justify making those wrongs the law of the land in the future.

I believe that merit does not hold people down. Merit liberates people.

I think we are down to a moment of decision. I want to use my final moments in defining what I have offered, a very limited amendment that says on this bill, this year in the Congress in congressional spending, that we will provide under this appropriation that contracts cannot be let on any basis other than merit.

Nothing in my amendment limits outreach, limits recruitment, nothing in my amendment overturns an existing contract, nothing in my amendment overturns a court order or prevents the court from issuing an order in the future to remedy a specific problem.

What my amendment seeks to do is to bring back to America, and in this particular bill, legislative branch spending, the concept of merit. The alternative which is offered by the Senator from Washington simply says that contracts have to go to qualified persons. That is not the issue, Mr. President. The issue is not that the person who gets a discriminatory contract is unqualified. The issue is that they are not the best qualified candidate. The issue is they did not submit the lowest bid or the best value.

There is only one fair way to decide who gets a job, who gets promoted, and who gets a contract. That is merit. That is what I am trying to bring back to this individual appropriation bill.

If you oppose set-asides, and a huge percentage of the American people do, then I urge Members to vote for my amendment and vote against the Murray amendment. The Murray amendment simply precludes giving contracts to people who are not qualified. My amendment requires giving contracts to people who are the best qualified. That is the test of merit. Not that the loser of the competition has no merit; it is who has the most merit. That is the issue.

The PRESIDING OFFICER. Time has expired.

Mrs. MURRAY addressed the Chair.

AMENDMENT NO. 1827 WITHDRAWN

The PRESIDING OFFICER. Under the previous order, amendment No. 1827 is withdrawn.

So the amendment (No. 1827) was withdrawn.

The PRESIDING OFFICER. The vote is on amendment No. 1825.

The Democratic leader.

Mr. DASCHLE. Mr. President, I want to use just a couple of minutes of my leader time to comment on the pending matter prior to the vote. I will be very brief.

Since the days of the New Deal, our Government's goal has been to expand opportunity, to give more Americans a fair chance to succeed, to open doors, not to close them.

Affirmative action has been a bipartisan part of that goal for 30 years, since the days of the civil rights revolution.

President Johnson issued the Executive order which authorizes programs of affirmative action. President Nixon greatly expanded and strengthened that Executive order 5 years later. For more than 30 years, Members of the Congress, Republicans and Democrats alike, all supported the policy.

In 1986, when President Reagan's advisors were urging him to repeal that Executive order, 69 Members of the Senate, Republicans and Democrats alike, joined in a letter to the President urging that he resist that advice.

In 1991, 4 years ago, the Congress enacted the Civil Rights Act of 1991, reversing Supreme Court rulings which undermined fundamental civil rights—and part of the bill included the Glass Ceiling Commission, to study why women, who are 45 percent of the work force are less than 5 percent of top management in the private sector.

Just 1 year ago, the full Senate, Republicans and Democrats alike, without a single dissenting voice, voted to establish a Government-wide goal of 5 percent of contracts for women-owned businesses.

If affirmative action was needed 9 years ago; if a study of women's workplace role was needed 4 years ago; if a Government-wide goal for women-owned businesses was a good idea 1 year ago—then those who now, suddenly oppose all affirmative action, all goals, all efforts to study the makeup of our work force, have a responsibility to explain to the American people what has changed.

In fact, not much as changed. Our goal is a colorblind society. But identifying a goal and reaching it are two different things.

We have not yet reached that goal, and until we do, the amendment of the Senate from Texas should be voted down. It is an effort to divide people, not to find common ground. It is a political effort, and it deserves to fail.

I yield the floor.

VOTE ON AMENDMENT NO. 1825

The PRESIDING OFFICER. The question is on amendment No. 1825.

Mr. GRAMM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. DEWINE). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Missouri [Mr. ASHCROFT] and the Senator from North Carolina [Mr. FAIRCLOTH] are necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

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

The result was announced, yeas 36, nays 61, as follows:

[Rollcall Vote No. 317 Leg.]

YEAS—36

Abraham	Gorton	Lugar
Bennett	Gramm	Mack
Brown	Grams	McCain
Burns	Grassley	McConnell
Byrd	Gregg	Murkowski
Coats	Hatch	Nickles
Coverdell	Helms	Pressler
Craig	Hollings	Shelby
D'Amato	Inhofe	Smith
Dole	Kempthorne	Thomas
Exon	Kyl	Thurmond
Frist	Lott	Warner

NAYS—61

Akaka	Feinstein	Moynihan
Baucus	Ford	Murray
Biden	Glenn	Nunn
Bingaman	Graham	Packwood
Bond	Harkin	Pell
Boxer	Hatfield	Pryor
Bradley	Heflin	Reid
Breaux	Hutchison	Robb
Bryan	Jeffords	Rockefeller
Bumpers	Johnston	Roth
Campbell	Kassebaum	Santorum
Chafee	Kennedy	Sarbanes
Cochran	Kerrey	Simon
Cohen	Kerry	Simpson
Conrad	Kohl	Snowe
Daschle	Lautenberg	Specter
DeWine	Leahy	Stevens
Dodd	Levin	Thompson
Domenici	Lieberman	Wellstone
Dorgan	Mikulski	
Feingold	Moseley-Braun	

NOT VOTING—3

Ashcroft	Faircloth	Inouye

So the amendment (No. 1825) was rejected.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, before the next vote, as I understand, there will no more amendments on this bill unless I offer the rescissions package.

Mr. MACK. It is my understanding that there are no further votes necessary on the legislative appropriations bill, that if we were to——

Mrs. MURRAY. Mr. President, I do believe we will have a vote on the pending question.

Mr. DOLE. Right. I mean after this next one.

Is there any demand for a rollcall on final passage?

Mr. MACK. No. It has been cleared on both sides.

Mr. DOLE. If we cannot get an agreement on the rescissions package, I intend to offer it as an amendment and then have the Wellstone-Moseley-Braun amendments and do it all tonight. We are not going to add any more time in the morning. We have been trying to put this together for 3 weeks. I have been here a long time. I have never been so frustrated in my life. So if they want to stay here tonight and keep everybody else here half the night, I am prepared to offer the rescissions package as an amendment as soon as we complete the next vote. If they are prepared to enter the agreement we thought we had, we are prepared to do that. So we can think it over during this vote, and I am prepared to offer the amendment right after this vote.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I informed the manager of the bill I did have an amendment on OTA.

I would call the attention of the Senate to the fact that the bill which has come to us from the House takes the money for the OTA from the Library of Congress, something that I wish to avoid. The House voted strongly in the Chamber on that matter.

I think we have made a mistake, not correcting that situation to protect the Library of Congress. But perhaps we can do it in conference.

In view of the problems that the majority leader just announced, I will not offer that amendment now, but I want the Senate to know I think we are making a big mistake to leave this situation where the House has voted overwhelmingly to maintain OTA but to take the money out of the Library of Congress. And we have not solved that problem here, in my opinion. I disagree with the manager of the bill and his solution. It is not a solution. The GAO has informed a lot of Senators here that they can perform the role of OTA, which in my opinion is ludicrous. But I will not offer the amendment at this time.

Mrs. MURRAY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 1826

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1826, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Missouri [Mr. ASHCROFT] and the Senator from North Carolina [Mr. FAIRCLOTH] are necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

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

The result was announced—yeas 84, nays 13, as follows:

[Rollcall Vote No. 318 Leg.]

YEAS—84

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

NAYS—13

Burns	Inhofe	McCain
Byrd	Jeffords	Smith
Chafee	Kassebaum	Thompson
Dole	Kyl	
Gramm	Lott	

NOT VOTING—3

Ashcroft	Faircloth	Inouye

So the amendment (No. 1826), as modified, was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. BINGAMAN. When it comes to controlling Government spending, nothing stands out in my mind more than the $1 billion that the Federal agencies toss out the window every year in energy waste.

The Federal Government is our Nation's largest energy waster. This year agencies will spend almost $4 billion to heat, cool, and power their 500,000 buildings.

Both the Office of Technology Assessment and the Alliance to Save Energy, a nonprofit group that I chair with Senator JEFFORDS, have estimated that Federal agencies could save $1 billion annually.

To achieve these savings, agencies just need to buy the same energy saving technologies—insulation, building controls, and energy efficient lighting, heating, and air-conditioning—that have been installed in many private sector offices and homes.

I know what you may be thinking, ''Here we go again with another crazy idea about how we need to give agencies more money so they can hopefully save money sometime in the future.''

Well you are wrong. Why? Because there are now businesses, known as energy service companies, that stand ready to upgrade Federal facilities at no up-front cost to the Government—that's right, at no up-front cost to the Federal Government.

These companies offer what are called energy saving performance contracts which provide private sector expertise to assess what energy saving technologies are most cost effective, provide nongovernmental financing to make the improvements, install and maintain the equipment, and guarantee that energy savings will be achieved.

Agencies pay for the service over time using the energy costs they have saved—if they do not see the saving they do not pay for the service—it's that simple, that's the guarantee.

This type of contract is used every day in the private sector and State and local government facilities. For instance, Honeywell Corp. has entered into these energy-saving arrangements with over 1,000 local school districts nationwide, allowing schools to reinvest $800 million in savings in critical education resources rather than continuing to pay for energy waste.

Unfortunately, even though Congress first authorized Federal agencies to take advantage of this innovative business approach in 1986, agencies have been dragging their heels.

To help get things moving, the Department of Energy recently prepared streamlined procedures to encourage their use.

Now is the time for Congress to put the agencies feet to the fire on financial reform of Government energy waste. Agencies must enter into these partnerships with the private sector.

That's why, today, I am introducing an amendment calling for the agencies to reduce Government energy costs by 5 percent in 1996. I'm also asking that agencies report back to us by the end of 1996 to ensure that they have actually taken action to reduce their energy costs.

You know, we are often called upon up here to make really hard controversial decisions that please some and anger others. This is a winner for everyone. If 1,000 local school boards have examined it and are reaping the savings, I say it's about time we got our Nation's biggest energy waster on track too.

With this one, simple reform, we will create thousands of job and business opportunities in every one of our States, improve the environment by reducing air pollution, and save ourselves hundreds of millions of dollars every year, at no up-front cost to taxpayers.

UNANIMOUS CONSENT AGREEMENT—H.R. 1944

Mr. HATFIELD. Mr. President, I would like to propound a unanimous-consent agreement relating to a rescission package that has been here before the Senate. I understand that it has been agreed to by the parties involved and the leadership on both sides of the aisle.

Mr. President, I ask unanimous consent that following the disposition of the legislative appropriations bill, the Senate turn to the consideration of H.R. 1944 and it be considered under the following agreement:

One amendment in order to be offered by Senators WELLSTONE and MOSELEY-BRAUN regarding education funding, job training, and low-income energy assistance, on which there be a division, and each of the two divisions be limited to 1 hour each, to be equally divided in the usual form and with all time being used tonight except for 30 minutes under the control of Senators WELLSTONE and MOSELEY-BRAUN; and that at 10:10 a.m. the managers be recognized to utilize 20 minutes for debate to be followed by Senators WELLSTONE and MOSELEY-BRAUN to be recognized for their 30 minutes of debate, to be followed by a vote on a motion to table the first Wellstone division, and that following that vote, the majority leader be recognized to place the bill on the calendar, and if that action is not exercised, the Senate then proceed immediately to a vote on a motion to table the second Wellstone division, and that following that vote, the majority leader be recognized to exercise the same right with respect to placing the bill on the calendar, and if that action is not utilized, the Senate proceed immediately to a vote on passage of H.R. 1944.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

LEGISLATIVE BRANCH APPROPRIATIONS FOR FISCAL YEAR 1996

The Senate continued with the consideration of the bill.

Mr. MACK. It is my understanding that there has been a request for a recorded vote. So I ask for the yeas and nays.

Mr. FORD. Mr. President, before we go to that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1803

The PRESIDING OFFICER. Without objection, the amendment, No. 1803, as amended, is agreed to.

So the amendment (No. 1803), as amended, was agreed to.

AMENDMENT NOS. 1806, 1828, 1829, 1830, 1831, AND 1832

Mr. MACK. Mr. President, I ask unanimous consent that the pending Specter amendment and the following five amendments, which I have sent to the desk on behalf of Senators DOLE, SIMON, LIEBERMAN, BINGAMAN, and myself be considered agreed to, en bloc, the motions to reconsider be laid upon the table, en bloc.

So the amendment (No. 1806) was agreed to.

So the amendments (No. 1828, 1829, 1830, 1831 and 1832) were agreed to, as follows:

AMENDMENT NO. 1828

(Purpose: To retain the Capitol Guide Service and Special Services Office)

On page 27 of the bill, strike all between lines 1–25, and insert the following:

CAPITOL GUIDE SERVICE

For salaries and expenses of the Capitol Guide Service, $1,628,000, to be disbursed by the Secretary of the Senate: Provided, That none of these funds shall be used to employ more than thirty-three individuals: Provided further, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

SPECIAL SERVICES OFFICE

For salaries and expenses of the Special Services Office, $363,000, to be disbursed by the Secretary of the Senate.

AMENDMENT NO. 1829

(Purpose: To repeal the prohibitions against political recommendations relating to Federal employment, and for other purposes)

At the appropriate place, insert the following new section:

SEC. . REPEAL OF PROHIBITIONS AGAINST POLITICAL RECOMMENDATIONS RELATING TO FEDERAL EMPLOYMENT.

(a) IN GENERAL.—(1) Section 3303 of title 5, United States Code, is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) The table of sections for chapter 33 of title 5, United States Code, is amended by striking out the item relating to section 3303.

(2) Section 2302(b)(2) of title 5, United States Code, is amended to read as follows:

''(2) solicit or consider any recommendation or statement, oral or written, with respect to any individual who requests or is under consideration for any personnel action unless such recommendation or statement is based on the personal knowledge or records of the person furnishing it and consists of—

''(A) an evaluation of the work performance, ability, aptitude, or general qualifications of such individual; or

''(B) an evaluation of the character, loyalty, or suitability of such individual;''.

AMENDMENT NO. 1830

At the end of Sec. 308(b)(2) insert:

(c) The amendments made by this section shall take effect only if the Administrative Conference of the United States ceases to exist prior to the completion and submission of the study to the Board as required by Section 230 of the Congressional Accountability Act of 1995 (2 U.S.C. 1371).

AMENDMENT NO. 1831

(Purpose: To add a general provision)

At the end of the bill, add the following:

SEC. . (a) The head of each agency with responsibility for the maintenance and operation of facilities funded under this Act shall take all actions necessary to achieve during fiscal year 1996 a 5-percent reduction in facilities energy costs from fiscal year 1995 levels. The head of each such agency shall transmit to the Treasury of the United States the total amount of savings achieved under this subsection, and the amount transmitted shall be used to reduce the deficit.

(b) The head of each agency described in subsection (a) shall report to the Congress

not later than December 31, 1996, on the results of the actions taken under subsection (a), together with any recommendations as to how to further reduce energy costs and energy consumption in the future. Each report shall specify the agency's total facilities energy costs and shall identify the reductions achieved and specify the actions that resulted in such reductions.

AMENDMENT NO. 1832

On page 60, line 1, strike all through the period on line 17.

Mr. MACK. Mr. President, I ask unanimous consent that the bill be read a third time and the Senate proceed immediately to vote on the passage of the bill with no other intervening action or debate.

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

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall the bill pass?

So the bill (H.R. 1854), as amended, was passed.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I will take this opportunity to congratulate the managers of the first appropriations bill to come to the floor, Senator MACK of Florida and Senator MURRAY of Washington State. We started them off here on the trail to sort of get a feel of the body in terms of acting on these appropriations measures. They have not only demonstrated the skill in putting the bill together in the committee framework, but certainly here managing on the floor.

Mr. President, this is a very tough year for the Appropriations Committee. It is a tough year for all Members, but especially the Appropriations Committee, because in effect we are playing the implementer, the mortician, the executioner, and many other roles in terms of the budget resolution and all the other various forces that are forcing Members to face up to some of these fiscal problems.

I hope that at an appropriate time we reconsider an action that would permit legislation on appropriations, because this type of legislation attracts all kinds of policy issues. It should not be on this bill or on any other appropriations bill. We must resist that effort on the floor and on the part of the committee. Since we found the test case, we will bring some more appropriations bills. But I want to thank these managers.

I have one further point to make, and that is when I visited Antarctica and was introduced to the culture of penguins, and one of the things about the culture was that there are seals, giants seals under the ice. The penguins go along the edge of the ice looking into the water to see if there are any seals there, and they are not certain by their vision. So pretty soon they nudge one into the water, and if they swim away, there are no seals and the others jump in.

So to speak, an analogy can be drawn here tonight. We have had the seal test and it has passed well. I congratulate my colleagues.

Mr. MACK. Mr. President, I want to thank the chairman. At least, I think I want to thank the chairman for his remarks. I appreciate that and appreciate his assistance as we have begun this process.

I also want to thank Keith Kennedy and Larry Harris for the work they have done to prepare us and the bill and to assist as we move forward. And again, to Senator MURRAY, it has been a pleasure working with the Senator through conference and completing the bill.

Mrs. MURRAY. Mr. President, I, too, want to thank the appropriations chair, as well as the ranking member, Senator BYRD, who have been very helpful in this process, and in particular to thank the Senator from Florida, Senator MACK, for a job well done.

We have not agreed on every part, but he has been wonderful to work with and I appreciate his willingness to step down and go through this with me. I thank him, and Jim English, who worked with me.

I appreciate the opportunity to work with you on my first bill, Senator.

UNANIMOUS-CONSENT AGREEMENT—S. 1817

Mr. MACK. Mr. President, I ask unanimous consent that at 9 a.m. on Friday the Senate begin consideration of H.R. 1817, the Military Construction Appropriations bill.

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

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE, FOR ANTI-TERRORISM INITIATIVES, FOR ASSISTANCE IN THE RECOVERY FROM THE TRAGEDY THAT OCCURRED AT OKLAHOMA CITY, AND RESCISSIONS ACT, 1995

The PRESIDING OFFICER. The clerk will report.

The assistant legislative read as follows:

A bill (H.R. 1944) making emergency supplemental appropriations for additional disaster assistance, for anti- terrorism initiatives, for assistance in the recovery from the tragedy that occurred at Oklahoma City, and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

The Senate resumed consideration of the bill.

AMENDMENT NO. 1883

(Purpose: To strike certain rescissions, and to provide an offset)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk on behalf of myself and Senator MOSELEY-BRAUN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself and Ms. MOSELEY-BRAUN, proposes an amendment numbered 1833.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed.

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

On page 38, strike lines 24 and 25 and insert the following: "under this heading in Public Law 103–333, $204,000 are rescinded: *Provided*, That section 2007(b) (relating to the administrative and travel expenses of the Department of Defense) is amended by striking "rescinded" the last place the term appears and inserting "rescinded, and an additional amount of $319,000,000 is rescinded": *Provided further*, That of the funds made available".

Beginning on page 34, strike line 24 and all that follows through page 35, line 10, and insert the following: "Public Law 103–333, $1,125,254,000 are rescinded, including $10,000,000 for necessary expenses of construction, rehabilitation, and acquisition of new Job Corps centers, $2,500,000 for the School-to-Work Opportunities Act, $4,293,000 for section 401 of the Job Training Partnership Act, $5,743,000 for section 402 of such Act, $3,861,000 for service delivery areas under section 101(a)(4)(A)(iii) of such Act, $100,010,000 for carrying out title II, part C of such Act, $2,223,000 for the National Commission for Employment Policy and $500,000 for the National Occupational Information Coordinating Committee: *Provided*, That of such $1,125,254,000, not more than $43,000,000 may be rescinded from amounts made available to carry out part A of title II of the Job Training Partnership Act, not more than $35,600,000 may be rescinded from amounts made available to carry out title III of the Job Training Partnership Act, and no portion may be rescinded from funds made available to carry out section 738 of the Stewart B. McKinney Homeless Assistance Act: *Provided further, That* service delivery areas may".

On page 41, strike lines 6 through 11 and insert the following:

"Public Law 103–333, $91,959,000 are rescinded as follows: From the Elementary and Secondary Education Act, title II–B, $29,000,000, title V–C, $16,000,000, title IX–B, $3,000,000, title X–D, $1,500,000, title X–G, $1,185,000, section 10602, $1,399,000, and title XIII–A,".

Beginning on page 43, strike line 25 and all that follows through page 44, line 2, and insert the following: "Public Law 103–333, $13,425,000 are rescinded as follows: From the Elementary and Secondary Education Act, title III–B, $5,000,000, title".

On page 107, line 21, (relating to the administrative and travel expenses of the Department of Defense) strike $50,000,000" and insert "$382,342,000".

Ms. MOSELEY-BRAUN. Mr. President, I thank Senator WELLSTONE for starting this ball and getting this issue and debate going.

Frankly, in spite of the fact that I know there are a number of people who are concerned about this particular legislation and where it is going, I think it is absolutely regrettable that we are just taking up as important an issue as this at 10:55 p.m. on a Thursday night following a major debate around the legislative appropriations bill.

The rescission issue has been held somewhat in limbo for the last couple of weeks, in large part because Senator WELLSTONE and I both argued and agreed and suggested to our colleagues that the issues raised, the substantive issues raised in the rescissions action was too important to be let go in what Senator WELLSTONE called in a stealth manner.

Forgive me, Mr. President, it is late, and I think we are all a little bleary-eyed, but the fact is we are now taking up, in fact, in stealth fashion, and limiting debate, on what I think is a very vitally important issue that should have had the kind of debate around priorities and around the import and the significance of the rescissions legislation in the context of where we are going with the budget.

I was actually kind of delighted to hear Senator HATFIELD's description of the seal test, because if anything, in terms of a seal test, this rescission legislation, I think, indicated the first step that we are taking as a legislative body in responding to the desperate need—and I think it is a desperate need—to get our fiscal house in order.

Last year, Mr. President, I cosponsored the balanced budget amendment, because I believed that if we were serious about our future, if we were serious about not handing to the next generation a legacy of debt, if we were serious about reducing Federal deficits and taking the steps necessary to achieve balance, to get on the glidepath to a balanced budget and not bankrupting the country by the turn of the century, if we were going to do that, we ought to move in the direction of trying to achieve budget balance.

The good news, Mr. President, is that this time the Senate, in the budget that has been adopted, did achieve budget balance, or headed in the direction of budget balance, or put us on the glidepath in that direction. The bad news, in my opinion, it did it in a way that speaks very poorly of priorities and speaks very poorly of the allocation of contribution by various sectors of our population.

If anything, the problem with the rescissions bill, and I point out to those night owls who are listening and who get sometimes turned off by the more technical language that we use, a rescissions bill is taking back. It is a take-back.

It is the first step. It takes back money that was appropriated last year and says OK, we are not going to do that after all. We are going to rescind, we are going to turn that around, and then we are going to go forward. So in that regard the take-back bill from last year's appropriations effort in the context of this session is the seal test, in some ways, that the Senator from Oregon referred to. It is the first step that we take on the glidepath toward a balanced budget.

Unfortunately, the seal test and the first step that is taken by this rescissions bill, I believe, calls for more sacrifice from the most vulnerable populations in our country than ought to be the case in any rescission package or, frankly, in this budget.

In fact, by one analysis by the Center on Budget and Policy Priorities, it was found after analyzing the numbers and how the cuts weigh in, the center found that some 62 percent of the cuts in this rescissions bill would come from discretionary programs to serve low- and moderate-income individuals, even though that group of Americans represent only 12 percent of discretionary spending overall.

That sounds kind of technical, 62 percent for low- and moderate-income individuals. But the cuts that this bill would have us undertake come in areas that, frankly, again, I just, for one, not only personally cannot accept, but that I believe would be inappropriate for us to accept as our first step on this glidepath. If anything, our priorities ought to reflect shared sacrifice. We are going to have to all step up to the plate as Americans and make some sacrifice in order to get our fiscal house in order. We are all going to have to make a contribution to resolving budget deficits and to getting us on a glidepath, if you will, to budget balance, at least a glidepath that is opposite to the trends that we have taken, that we are taking right now.

I served as a member of the President's Bipartisan Commission on Entitlements and Tax Reform. There was no question, if there is one message out of the entire hearings and the information that we looked at in terms of the budget, it was that current trends, budget trends are unsustainable and that we had to change the way that we do business. That is one of the reasons why this rescissions bill is so important and that is why I believed, and still believe, that it was so critically necessary to have the debate in the sunshine, to have the debate in the daytime, to allow people to know what it was that we were talking about, what was at stake and what were the issues.

In the first instance, among the cuts in this bill that are sought to be restored by the Wellstone/Moseley-Braun division, and it is a division because the amendment is in two parts, among the restorations are a program that I have worked on, education infrastructure, to help rebuild some of the dilapidated schools around this country, schools that are falling apart. I do not think it is a secret, at this point, given the discussion about the condition of American schools, our schools are falling apart. They are not equipped to prepare our youngsters for the 21st century. We do not have the infrastructure in them even to make them computer ready, if you will. In many instances, the electricity is not there.

So we are really, I think, missing the boat and really shortchanging our children by refusing to even take some small steps toward getting our schools in better shape. But that was cut. That program was terminated altogether in this legislation.

Safe and Drug-Free Schools and Communities—that was cut by $15 million. Again, youngsters who have difficulty going to school for fear of being shot by the drug dealers, that kind of a cut is a major impediment to their education.

Education technology, another $17 million cut. You talk education technology, it is clear what that is; the whole idea we are going into this information age without allowing our youngsters to get adequately prepared.

Eisenhower Professional Development, to help teachers be better teachers. Again, another set of cuts. This one, Eisenhower Professional Development, was cut by $69 million. Again, I think that is inappropriate.

Then we get to the really difficult cuts. I say really difficult only because it hits people who are probably more in need than just about any other group: Homeless veterans jobs training. The homeless veterans job training program was cut by $5 million. How we can cut something for homeless veterans, in terms of job training, is a mystery to me. Yet that was a decision that was made as part of this rescissions compromise.

Displaced worker training. With all the base closings and all the dislocations in our economy with job downsizing and the like, again, to cut displaced worker training by $67 million seemed to me to be inappropriate.

Adult job training was cut, JTPA adult job training, cut by $58 million. JTPA youth training cut by $272 million. Again, in communities particularly where there is less than—and there are communities in this country, Mr. President, and I am sure you are aware of them—in which there is about 1 percent—in fact I will be specific. In a community in the city of Chicago, in my State of Illinois, 1 percent private employment, 1 percent. That is economic meltdown. If we do not undertake some steps to provide for job training and job readiness for people who live in communities with 1 percent private employment in them we are setting ourselves up for a black hole to develop in our social fabric from which we may never recover. Again, those cuts, it seems to me, are inappropriate. And as the seal test, as that first step on the glidepath, seems to me to be the absolute wrong place for us to go.

Interestingly, this amendment calls for an offset. Because we are all talking about, ''Can we pay for these things?'' The offset which would pay for these restorations, which the Wellstone/Moseley-Braun amendment suggests, comes from the administration and travel budget of the Department of Defense. According to the General Accounting Office, the DOD has that money and money to spare when it comes to administration and travel. Certainly, the absorption of these costs would not be something that would

cripple the ability of our military to travel around the world.

So it would seem, starting from the notion that there ought to be shared sacrifice, the amendment that Senator WELLSTONE and I put together—again I hope he will be able to talk about in the sunshine—would have gone a long way to restoring our capacity to respond to some of the most vulnerable populations and respond to people who are least able to take the impact of the cuts of this rescission legislation.

The second part, the second division of the amendment has to do with the Low Income Home Energy Assistant Program, LIHEAP. Mr. President, I know you probably noticed in the newspapers, in the city of Chicago in this last couple of weeks we had a heat wave that left almost 300 people dead. Mr. President, 300 people died because they could not physically tolerate the heat that came into the city. Chicago, IL, does not have a cooling assistance program under LIHEAP, although those things are allowed. It does not have a cooling assistance program but it does have heating assistance. It is one thing about the city of Chicago, and the State really, but as beautiful as it is, it is known for some extremes of temperature. It can go from having 300 people die because there is no assistance and they are too poor to move to the nearby hotel into an air-conditioned room, but at the same time, come winter, when the temperatures fall to below zero, it is just as likely that in the absence of LIHEAP, in the absence of heating assistance for poor people, we will see the same kind of loss of life and the same kind of attendant tragedy.

That is a preventable tragedy and it has been prevented over time by the Low Income Home Energy Assistance Program. It is a program that provided energy assistance for heating and cooling to economically disadvantaged individuals, particularly senior citizens, particularly the elderly, in all 50 States. The LIHEAP program was cut by $319 million in this rescissions package and I daresay, given the need for the assistance, particularly for senior citizens, given the vulnerability of these populations to die when the temperature gets over 100 degrees or die when it gets under 32, it was inappropriate for us to take that kind of cut, inappropriate for us to head on this glidepath, calling on them to make a sacrifice that, unfortunately, in all too many instances, could well be the supreme sacrifice.

So that is what this amendment is about. I know we have 30 minutes tomorrow to debate this issue. I know, also, there are other things about this legislation that encourage my colleagues to want to move it quickly.

As I stated from the beginning of this debate, I was never interested, no one was interested in holding up relief for California or relief for Oklahoma City, and those are parts of this rescissions legislation. So no one has been interested in doing that. But at the same time, for us to respond to those emergencies and at the same time trample over the emergency that is faced by the low-income individuals who have faced 62 percent of the cuts in this bill seems to me to take a wrong step, in the wrong direction, in the wrong way.

So we thought it appropriate and believe it appropriate to have a chance to talk at length about these issues. While we will get to talk about it for half an hour tomorrow morning, and we will be able to pass the issue, there are other parts of this legislation of the rescissions bill that are problematic. There are some environmental issues that are problematic.

But, again, we all know that part of the legislative process is that things that you do not like often get wrapped up in things that you do like. In fact, one of my colleagues a few moments ago used an expression that I have liked to use over the years. The expression is that those who love the law and who love sausages should not watch either of them being made. Quite frankly, this legislation, I think, fits into that category very well because it has a combination of some palatable initiatives such as California and Oklahoma City, and then an awful lot that would just make you, in my opinion, gag on what has happened here.

Quite frankly, I think that the issue that is on fire is the one that we really do need to engage, an entire legislative body with everybody participating and talking about—the direction that our country will take as we try to achieve budget balance and integrity in the way we handle these fiscal year issues.

Quite frankly, one of the things people ask me very often is, ''What do you like about being in the Senate?'' And I tell them that I cannot imagine—I am sure the Presiding Officer will relate to this—I cannot imagine a more exciting time to serve in the U.S. Senate or to serve in policymaking, the policy of a legislative body of our Government, precisely because so many of the issues that have been around for a long time, as well as issues that are new to our time, are now facing us four square and calling on us for resolution, calling on us to express an opinion; issues that 5 years ago did not get talked about. I mean, when they were building up huge budget deficits nobody really talked about it. What should be our foreign policy? You had a Soviet Union. It was pretty clear-cut. Now we have to construct something.

What is going to be the direction in terms of diversity? We just had the vote on affirmative action. What kind of economy are we going to have in the future? All of these issues and a host more that I know I could stand here probably the rest of the night to talk about, all of these issues are before us now.

So when it comes to specifically the issue of budget priorities, now is the time for us to take up that debate and not to handle it willy-nilly. Let us get it done, kind of make those sausages faster, but in a way to allow us to really have a comprehensive and coherent debate and input from every Member of this U.S. Senate. That is what we were sent here to do.

Again, to the extent that my colleagues had concern that the holding up of this legislation would have untold effects, I am optimistic that those effects will not be untold and that we will be able to go forward, and hopefully we will pass the Wellstone/Moseley-Braun amendment. I am not unrealistic about that. But I would encourage my colleagues to take a look at the amendment, a serious look at the amendment, recognizing that we have to have deep and painful cuts in some regards.

But the question I put to every Member as you take up the issue of how to vote on this amendment to the rescissions bill is whether or not low-income individuals should have to suffer 62 percent of that pain. I do not think they do. And I hope that is not the signal and the message that gets sent by this body tomorrow when we take this issue up to vote.

I thank the Chair. I yield the floor.

SUBSTITUTE SALVAGE PROGRAM

Mrs. MURRAY. Mr. President, I rise today to voice my serious concerns about H.R. 1944, the fiscal year 1995 rescissions bill. I'll get right to the point: this is a bad bill. Its relevance to the budget process in Washington, DC, is minimal, and its relevance to the American people is marginal.

This bill cuts $16 billion from the Federal budget. We recently passed a resolution that cut over $1 trillion; what's the logic in even debating this bill? We have only a few days left in the fiscal year, and yet we are proposing to go back and cut already-appropriated funds for virtually no good policy reason. This bill cuts commitments and goes back on promises made by this Senate less than 1 year ago.

This bill has another problem. I believe the language about timber salvage 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.

Mr. President, this timber salvage authorizing language is designed to accomplish three things: respond to a timber salvage problem resulting from last year's forest fires and recent insect infestations; speed the rate of timber sales under the President's forest plan, option 9; and release a few timber sales remaining from legislation passed by Congress 4 years ago.

These are goals with which I agree. My problem is with the method. I believe the language contained in this bill 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 fought in the courtrooms and Congress for almost a decade. We have a history of waiving environmental laws to try and solve timber problems; that strategy has not worked.

In fact, that strategy has made the situation worse. Until 1993, the Forest Service was paralyzed by lawsuits, the courts were managing the forests, and public discourse in the region was dominated by acrimony. The language in this bill will reopen those old wounds. Mr. President, I strongly believe that would not be in the best interest of the region.

During floor consideration of this bill last spring, I offered an amendment that would have taken a more moderate approach to salvage operations. My amendment was narrowly defeated 46–48. I respect the will of the Senate in that regard. However, when the rescissions bill reached the President's desk, he vetoed it, citing among other things problems with the timber language.

Mr. President, I learned before the July recess that a deal was being worked out on this issue. Despite my obvious interest in and concern about the salvage issue, I was not involved in the negotiations. I was not consulted during the process. Had I been, I would have been more than willing to work out a compromise in good faith. Unfortunately, that did not happen. I have reviewed the language, and frankly, I still have very serious concerns.

The language in the bill before us is almost exactly the same as was contained in the conference report vetoed by the President, with three minor changes. While these changes may add flexibility, the fundamental problems in the bill remain: it rolls over current laws governing land management, and it cuts the public completely out of the process. Therefore, I cannot support it.

Mr. President, 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 rotting where they burned. I believe that many of 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 salvage damaged timber 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 ensure that agencies work together and make correct decisions quickly. The right way is to let people participate in the process—so they don't clog up the courts later. My amendment, and my approach to the negotiations, would have focused on these points.

Mr. President, there is a reasonable, responsible approach to ensuring salvage operations move forward. Unfortunately, the bill before us doesn't take it. Instead, it recklessly goes too far, too fast.

Attaching a major harvesting amendment to an appropriations bill like this—worked out at the last minute, behind closed doors—is no way to make good public policy. Instead, the timber language should be developed through the normal authorizing process. The Senator from Idaho [Mr. CRAIG], has a bill pending in his committee that would establish a forest health program. There have been some hearings on that bill, and I have already stated my interest in working with him on his bill.

Mr. President, there have been numerous editorials and articles written about this provision, most of which have urged the President and the Congress to reject these sweeping changes. In addition, recent statistics on employment and growth rates within the timber industry indicate the picture of the industry is not as bleak as some have predicted. I ask unanimous consent to insert some of these materials in the RECORD at the conclusion of my statement.

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

(See exhibit 1.)

Mrs. MURRAY. In summary, I believe this is the wrong bill at the wrong time. The Senate has passed its own balanced budget resolution, and recently passed the conference report. The cuts in this rescissions bill are paltry by comparison. And the timber salvage provisions go too far without adequate safeguards and public participation.

I urge my colleagues to oppose this unnecessary, harmful bill.

EXHIBIT 1

WESTERN STATES GAIN 14,251 IN TIMBER JOBS—JANUARY 1993—SPRING 1995

[In thousands]

States	Timber related jobs		
	January 1993	December 1994	April/May 1995
Utah	3,863	5.131	.....
Washington	51,700	.....	54,700
Oregon	61,200	.....	61,600
New Mexico	2,100	2,100	.....
Colorado	10,400	.....	12,100
Arizona	6,400	.....	8,500
Idaho	16,017	.....	16,500
California	84,400	.....	90,600
Montana	8,000	.....	7,100
Totals	244,080	7,231	251,100

These figures are based on the most current data available from state economists. The numbers represent job losses or gains in the lumber, wood manufacturing, paper and allied industries.

The net gain in timber jobs since the 1992 elections for these eight western states is 14,251 jobs. There is no need for salvage sufficiency language.

[From the Seattle Post-Intelligencer, June 1995]

CLINTON'S VETO THE RIGHT ACTION

President Clinton has done the right thing in vetoing a bill that made the wrong cuts in the budget and left too much leeway for cheating in salvage timber sales in the Northwest.

The president said it's wrong to cut education programs but to fund members of Congress' pet pork-barrel projects such as roads. The bill cut $16.4 billion from previously approved social programs.

''We must recognize that the only deficit in this country is not the budget deficit. There's a deficit in this country in the number of drug-free children. There's a deficit . . . in the number of safe schools. There's an education deficit,'' he said in wielding the pen for his first veto.

It took perhaps even more courage for the president to set himself up for cheap-shot charges by Northwest Republican lawmakers that he is anti-job because he insists that the nation's forests be harvested under rule of law. But there are sure to be further attempts to circumvent proper practices, and Clinton should stand tall against them.

The bill, using poorly defined criteria, would have given the timber industry three penalty-free years to remove ''damaged'' trees that pose a fire threat. The trees would have been removed without the benefit of the standard environmental safeguards that are meant to protect salmon streams and watersheds, and citizens would have been legally barred from filing suit to object to any violation of environmentally sound harvesting no matter how gross.

The salvage program must get under way, and Congress is perfectly capable of passing legislation that provides for responsible removal of trees that pose a fire hazard without abandong environmental safeguards.

But by sending the White House an irresponsible proposal for timber salvage, Congress has thrown away valuable time and risked further fire losses in the Northwest woods.

Members of this state's delegation should have insisted on using their time to prepare an acceptable plan for this summer's fire season rather than in devising a political booby-trap for the president.

LOGGING BILL FLAWED

A case can be made for salvage logging of some federal forest lands that have a dangerous accumulation of dead or diseased trees that pose a fire hazard.

But a case cannot be made for the sweeping salvage-logging proposal now under consideration in Congress that sets aside environmental safeguards and promises to raid the treasury for the benefit of private timber companies.

The overly broad language of the bill renders it unacceptable; more important, existing law makes it unnecessary.

The bill arbitrarily mandates a doubling of the amount of timber to be felled over the next two years from federal lands, whether or not that much timber needs to be salvaged, and thus opens the door for a giveaway of public property.

That's because it cleverly stipulates that no so-called ''health management activities'' directed by the legislation shall be precluded simply because they cost more than the revenues derived from sale of the salvaged timber.

And the bill says that any environmental review, however cursory it may be, ''shall be deemed to have satisfied the law.''

Sponsors wrongly imply that the bill is needed to permit the Forest Service to conduct salvage logging. But Sierra Club attorney Todd True notes, ''Existing law already gives the agency authority'' for whatever salvage logging it deems necessary due to threat of fire and insect infestations.

Last summer's huge, costly fires in Eastern Washington forests provided clear evidence of the folly of the Forest Service's past policy of suppressing natural wildfires. It

bears noting that the agency followed that practice partly to protect adjoining commercial timberlands.

If Congress doesn't gut the Forest Service's budget for environmental impact studies, those important reviews can be done in a timely manner and permit defensible salvage-logging operations.

[From the Los Angeles Times, June 22, 1995]

THE LOGGER'S AX: NO WILD SWINGS—CLINTON SHOULD HOLD FIRM AGAINST AMENDMENT THAT THREATENS FORESTS

In the early days of his presidency, Bill Clinton productively approached the volatile issue of forest management by breaking with the tired ''jobs versus owls'' rhetoric of past years. Through his 1993 Forest Summit he showed he understood both the need to preserve dwindling federal forests and the painful dislocations that new limits on logging would cause. He led by talking with all sides and instituting programs to retrain displaced workers. But now, locked in battle with congressional Republicans, Clinton seems to be in danger of abandoning that principled approach.

Last month he rightly vetoed a congressional recisions bill that was loaded with special-interest riders. One of them, the deceptive ''Emergency Two-Year Salvage Timber Sale Program,'' in essence would have ordered the U.S. Forest Service to sell as much as 3.2 billion board feet of ''salvage'' timber from national forests. It would have allowed logging of trees killed by windstorms, fire, insects or disease and permitted selective thinning of forests to control forest fires. The legislation, pushed hard by timber companies, also would have forced the Forest Service to sell twice as many trees as it felt appropriate. Further, these sales would have been exempt from environmental review and public comment. Worst of all, the language was so vague that virtually any tree, living or dead, standing or fallen, could have been defined as ''salvage,'' even the dwindling stands of old-growth redwoods in California's national forests. For these reasons Clinton should stick to his guns as Republicans seek to include this nasty amendment in a compromise recisions package. The President reportedly is considering accepting it.

Even the staid Sunset Magazine highlights a special report entitled ''The Crisis in Our Forests'' in its current issue. Sunset doubts that stepped-up salvage operations would markedly improve forest health or prevent the spread of wildfires.

The salvage amendment has nothing to do with cutting wasteful government spending but everything to do with wasteful cutting. The President must hold firm—the amendment must go.

[From the Washington Post, May 3, 1995]

CHOPPING BLOCK

It isn't just spending that would be cut by the bills the House and Senate passed a month ago rescinding appropriations for the current fiscal year. A fair amount of timber would likely be cut, too—cut down, that is. Each version of the bill includes a rider aimed at sharply increasing the timber harvest this year and next in the federal forests.

If the riders did no more than urge an increase in the harvest or order that the harvest be as large as possible under the law, that would be fair enough. There's always a great dispute about the amount of timber that can best be taken from the national forests and other public lands. The total the past few years has been well below the level to which the industry became accustomed in the 1970s and 1980s. The timber lobby says the cut should be increased—it argues among much else that there is currently an enormous amount of dead and dying timber in the forest that will otherwise go to waste—and the new majority in Congress agrees.

But the riders don't stop there. To make sure that no obstacles in the form of conservation laws, environmental groups and courts can stand in the way, they also take the extraordinary step of suspending for the purpose of this ''salvage timber sale'' the entire array of federal forest management and environmental statutes that might otherwise apply. Timbering undertaken under terms of the riders ''shall be deemed to satisfy'' such laws no matter what their requirements, the riders say. The House version also seeks to overcome any existing court orders that might interfere with the sale; it says the sale can be conducted despite them.

The industry says the reason for all this is not just that it wants to increase the cut and has a receptive Congress but that an emergency exists in the forests. Because they are so overgrown, there's a greatly increased danger of fire, and their health has declined in other ways that a stepped-up salvage operation will help to cure—so say the supporters. They add that without suspension of the laws, environmental groups will go to court and block the necessary actions.

Opponents of the riders, including the administration, say the necessary salvage cutting can go on without suspension of the laws—a lot of salvage cutting occurs every year already—and that suspension would only be a license to log where otherwise the companies could not, in ways that would leave the forests less healthy, not more.

The opponents make the more plausible case. This is grabby legislation. If there is a genuine need to increase salvage and other such operations in the forests, even to increase them rapidly, surely that can be done without abandoning the entire framework of supporting law. Likewise, if Congress wants to change the law with regard to management of the forests, it ought to do so in the normal way, not tack a decision of such importance on the back of a supplemental appropriations bill. The measure is shortly to go to conference; the conferees should cut the budget, not the trees.

[From the Denver Post, May 8, 1995]

CLINTON SHOULD VETO TIMBER BILL

President Bill Clinton should veto a timber measure because the proposal is bad environmental policy and a shoddy way to make federal law.

The timber proposal is buried in a larger measure that deals with trimming federal spending. Clinton compromised with Senate Republicans to make the rescissions bill, as the main measure is called, less draconian than the first version adopted by the U.S. House.

However, the larger bill has been burdened with a bunch of special-interests, anti-environmental provisions. The worst would let logging companies cut an enormous amount of extra timber from the national forests. Gluing such harvesting proposals onto an already complex and controversial measure is a deceitful way to mold federal law, so they all should be removed from the bill.

Actually, the Senate would have stripped the timbering portions from the measure weeks ago, except Ben Nighthorse Campbell, Colorado's junior U.S. senator, deserted his moderate environmental leanings and voted to keep the logging provisions in the main bill. Coloradans who had hoped Campbell would remain an independent voice even after he changed from a Democrat into a Republican were sorely disappointed by his partisan performance on this matter.

There are ways to cut timber, including methods to salvage lumber from dead or dying trees, without severely damaging the forests. But this measure is especially troubling because it tosses aside most environmental considerations the Forest Service usually weighs before deciding how much logging to allow.

When the rescissions bill lands on Clinton's desk, the President should veto it because of the timber and other environmental provisions. When Congress votes whether to override the veto, Campbell this time should side with common sense instead of letting his new partisan allies dictate his behavior.

SHIFT IN U.S. TIMBER POLICY PUTS FORESTS, FISH AND WILDLIFE AT RISK—CONGRESS MOVES TOO FAST, WITH TOO LITTLE THOUGHT

The pendulum in the nation's timber policy is swinging too fast and too wide.

The public has become accustomed—dazed may be the correct term—to the daily headlines of sharply revised public policy on welfare, immigration, food programs and more.

But the sudden shift in federal timber policy is more than even the most blase citizen may be able to accept.

The U.S. Senate Appropriations Committee has followed the House's lead in opening big areas of our national forests to harvesting without the normal regulations to protect fish, wildlife and the environment and without allowing the public to bring legal challenges.

The committee-passed proposal directs the forest service to set aside existing environmental laws. Although the original intent of the legislation was to speed up the salvage of dead and dying timber, this measure may go beyond that. It gives sole discretion to the Forest Service to harvest wherever it wants. Only designated wilderness areas are off-limits.

No one can be sure what forests and what areas might be subject to harvesting—or how carefully it would be done.

The public will not stand by and watch the years of protecting our forests against environmental damage be wiped out in a spurt of action by a Congress that has so many pro-harvest allies in its midst.

Our forests can be harvested without damage to our environment. But doing so requires more scientific and technical thought than Congress appears willing to devote. The final protection against abuse is the legal system. If that access also is prohibited, then all of us should worry.

Citizens should demand that Congress slow down and remember its stewardship duties to the public land.

Narrowly focused salvage harvesting is acceptable. Abandoning our traditions of environmental protection and legal accountability is not.

Mr. DOMENICI. Mr. President, I rise in support of H.R. 1944, the revised emergency supplemental appropriations and rescissions bill for fiscal year 1995.

It is time for Congress to complete this bill and provide the emergency disaster assistance that is needed in at least 40 States to respond to natural disasters.

It is time to complete action on the rescissions in the bill so that agencies can close out the fiscal year, and Congress can address the funding issues for the new fiscal year. The Senate will be turning to the fiscal year 1996 funding bills this week.

I am pleased that the President will support this bill. It provides funding

the administration requested to respond to the tragic bombing in Oklahoma City and to carry out a proposed counterterrorism initiative.

Mr. President, the bill before us will save $15.3 billion in budget authority and $0.6 billion in outlays from the current fiscal year through the rescissions in the bill. As chairman of the Senate Budget Committee, I ask unanimous consent that a table displaying the relationship of the bill to the Senate Appropriations Committee's budget allocation be placed in the RECORD at this point.

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

H.R. 1944, EMERGENCY SUPPLEMENTAL AND RESCISSIONS

[Fiscal year 1995, in millions of dollars, CBO scoring]

Subcommittee	Current status[1]	H.R. 1994[2]	Subcommittee total	Senate 602(b) allocation		Total comp to allocation
Agriculture—RD	BA	58,117	−82	58,035	58,118	−83
	OT	50,330	−30	50,300	50,330	−30
Commerce—Justice[3]	BA	26,693	−290	26,403	26,903	−500
	OT	25,387	−99	25,288	25,429	−141
Defense	BA	241,008	−50	240,958	243,630	−2,672
	OT	249,560	−38	249,522	250,713	−1,191
District of Columbia	BA	712	—	712	720	−8
	OT	714	—	714	722	−8
Energy—Water	BA	20,293	−234	20,059	20,493	−434
	OT	20,784	−52	20,732	20,749	−17
Foreign Operations	BA	13,537	−117	13,654	13,830	−176
	OT	13,762	−241	14,003	14,005	−2
Interior	BA	13,577	−282	13,295	13,582	−287
	OT	13,968	−79	13,889	13,970	−81
Labor—HHS[4]	BA	265,870	−2,520	263,350	266,170	−2,820
	OT	265,718	−212	265,506	265,731	−225
Legislative Branch	BA	2,459	−17	2,443	2,460	−17
	OT	2,472	−12	2,459	2,472	−13
Military Construction	BA	8,735	—	8,735	8,837	−102
	OT	8,519	—	8,519	8,519	−0
Transportation	BA	14,193	−2,624	11,568	14,275	−2,707
	OT	37,085	−22	37,063	37,072	−9
Treasury—Postal[5]	BA	23,589	−639	22,950	23,757	−807
	OT	24,221	−40	24,181	24,225	−44
VA—HUD	BA	89,891	−8,354	81,537	90,257	−8,720
	OT	92,438	−126	92,312	92,439	−127
Reserve	BA		−325	−325	2,311	−2,636
	OT		−130	−130	1	−131
Total appropriations[6]	BA	778,674	−15,300	763,374	785,343	−21,969
	OT	804,957	−600	804,358	806,377	−2,019

[1] In accordance with the Budget Enforcement Act, these totals do not include $3,905 million in budget authority and $7,442 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and $841 million in budget authority and $917 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.

[2] In accordance with the Budget Enforcement Act, these totals do not include $3,455 million in budget authority and $443 million in outlays in funding for emergencies that have been designated as such by the President and/or the Congress.

[3] Of the amounts remaining under the Commerce-Justice Subcommittee's 602(b) allocation, $17.1 million in budget authority and $1.2 million in outlays is available only for appropriations from the Violent Crime Reduction Trust Fund.

[4] Of the amounts remaining under the Labor-HHS Subcommittee's 602(b) allocation, $27.0 million in budget authority and $5.8 million in outlays is available only for appropriations from the Violent Crime Reduction Trust Fund

[5] Of the amounts remaining under the Treasury -Postal Subcommittees 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.

[6] Of the amounts remaining under the Appropriations Committee's 602(a) allocation, $68.8 million in budget authority and $9.9 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.

Mr. HATFIELD. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senator from Illinois has another 11 minutes 33 seconds left.

Mr. HATFIELD. I have 30 minutes.

The PRESIDING OFFICER. That is correct.

Mr. HATFIELD. The proponents?

The PRESIDING OFFICER. They have 11 minutes 32 seconds available.

MORNING BUSINESS

Mr. HATFIELD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 5 minutes each.

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

TRIBUTE TO THE LATE DOLLYE HANNA

Mr. THURMOND. Mr. President, each day, members of this body rise to pay tribute to men and women who have had an impact on our Nation in one manner or another. On any given day the RECORD will contain passages praising elected officials, captains of industry, and others who have accumulated a list of accomplishments that are usually nothing less than impressive and oftentimes enviable. Today, I want to recognize a woman who does not possess such a vita, but is nevertheless worthy of recognition, the late Mrs. Dollye Hanna, who recently passed away at the age of 98.

Though Mrs. Hanna, or ''Momma Doll'' as she was affectionately known by her family and friends, was not involved in either public service or the private sector, she did dedicate her life to the noblest endeavor there is, her family. In her almost century on this earth, she was a loving wife, mother, grandmother, great grandmother, and great-great grandmother. She set an example for kindness and caring, and as the matriarch of the family, she left her strong mark and influence on four generations of Hannas.

During a service held in her memory last month, Mrs. Hanna was remembered as a woman who was: a lady; a mother; a friend; someone who spanned time; and as a child of The Father. I cannot think of a more flattering or appropriate manner in which to remember this special woman who devoted herself to caring for her husband, children, and extended family. She is someone who will certainly be missed by all those who knew her, and my sympathies go out to all those who knew and cared for this remarkable lady, especially her grandchildren: E.G. Meybohm; Robert L. Meybohm; Dollye W. Ward; Mildred W. Ghetti; and Hanna W. Fowler.

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 1:55 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2020. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1996, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 2020. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1996, and for other purposes; to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 919. A bill to modify and reauthorize the Child Abuse Prevention and Treatment Act, and for other purposes (Rept. No. 104–117).

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 103. A resolution to proclaim the week of October 15 through October 21, 1995, as National Character Counts Week, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

James L. Dennis, of Louisiana, to be U.S. circuit judge for the Fifth Circuit.

(The above nomination was reported with the recommendation that he be confirmed.)

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation:

Roberta L. Gross, of the District of Columbia, to be Inspector General, National Aeronautics and Space administration.

Vera Alexander, of Alaska, to be a member of the Marine Mammal Commission for a term expiring May 13, 1997.

Robert Clarke Brown, of New York, to be a member of the Board of Directors of the Metropolitan Washington Airports Authority for a term of 6 years.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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. HATCH (for himself and Mr. BAUCUS):

S. 1052. A bill to amend the Internal Revenue Code of 1986 to make permanent the credit for clinical testing expenses for certain drugs for rare diseases or conditions and to provide for carryovers and carrybacks of unused credits; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. D'AMATO):

S. 1053. A bill to amend the Internal Revenue Code of 1986 to promote capital formation for the development of new businesses; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PRESSLER (for himself, Mr. STEVENS, Mr. BAUCUS, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BUMPERS, Mr. COCHRAN, Mrs. FEINSTEIN, Mr. GORTON, Mr. HOLLINGS, Mr. KERRY, Mr. LAUTENBERG, Mr. LOTT, Ms. MOSELEY-BRAUN, Mr. MURKOWSKI, Mr. PACKWOOD, Mr. PELL, Mr. PRYOR, Mr. ROTH, and Mr. SIMON:

S. Res. 155. A resolution expressing the sense of the Senate that the action taken by the Government of Japan against United States air cargo and passenger carriers represents a clear violation of the United States/Japan bilateral aviation agreement that is having severe repercussions on United States air carriers and, in general, customers of these United States carriers; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself and Mr. BAUCUS): S. 1052. A bill to amend the Internal Revenue Code of 1986 to make permanent the credit for clinical testing expenses for certain drugs for rare diseases or conditions and to provide for carryovers and carrybacks of unused credits; to the Committee on Finance.

THE ORPHAN DRUG ACT OF 1995

Mr. HATCH. Mr. President, today I am introducing the Orphan Drug Act of 1995, legislation to modify and extend permanently the orphan drug tax credit. Identical legislation has been introduced in the House by Representatives by NANCY JOHNSON and ROBERT MATSUI. This credit encourages private firms to develop treatments for rare diseases. As many of my colleagues know, this medical research tax credit expired at the end of 1994. I am pleased that my good friend and colleague from Montana, Senator BAUCUS, is joining me.

Since the 1983 enactment of the orphan drug tax credit, we have seen very encouraging progress in developing new drugs to alleviate suffering from a number of so-called orphan diseases. The name ''orphan'' was coined to reflect a perceived lack of concern about diseases that affect relatively small numbers of people.

Mr. President, the incentive provided by this credit gives hope to individuals who suffer from such rare but devastating conditions as Tourette's syndrome, Huntington's disease, and neurofibromatosis. Many drugs designated as orphan drugs have a much smaller potential market than even the 200,000 patients referred to in the definition in this bill—sometimes they are for conditions that affect as few as 1,000 persons in the United States. This means that without some incentive there is simply no possibility for a firm to profit from its decision to develop drugs that treat these diseases.

Fortunately, the ''orphan'' perception has been changing over the 12 years that this research credit has been in effect. In fact, Mr. President, pharmaceutical companies have made great strides in discovering treatments for these orphan diseases. While only seven orphan drugs were approved by the FDA in the decade before the credit's initial passage, over 100 have been approved since and approximately 600 are now in development.

For example, the FDA recently approved the first-ever treatment for Gaucher disease, a debilitating and sometimes fatal genetic disorder. This disease afflicts fewer than 5,000 people worldwide, yet Genzyme Corp. expended its time and money to search for a treatment precisely because of the orphan drug credit's incentives.

Mr. President, this credit's effectiveness has been tested for the past 12 years, and it has passed with flying colors. Few provisions of the tax code can claim to have clearly reduced human suffering and to have expanded our store of medical knowledge. This credit has done both.

By helping small, entrepreneurial firms to take advantage of the orphan drug credit, we can make it even more effective. Currently, Mr. President, the tax credit only serves as an incentive for companies that earn a current-year profit. Under the previous law, if the credit could not be used immediately, it was lost forever. For large, profitable drug companies, this was rarely a problem.

However, for many small, start-up pharmaceutical companies, this current-year restriction makes the credit of little or no use. These firms typically lose money in the early years since they put all available funding into research. They only expect to see profits many years into the future. While many of the Nation's drug breakthroughs have come from these small firms, Mr. President, the credit's current structure has left them out in the cold.

In order to improve the credit's usefulness, this bill will allow firms to carry the credit back 3 years and carry it forward 15 years. This will give small, growing companies an incentive to find ways to treat these rare diseases that cause so many to suffer.

In my home State of Utah, a healthy biomedical industry is emerging. In the course of research, scientists often stumble upon treatments that could, if developed, improve the lives of victims of rare diseases. However, because of the high cost of drug experiments and the enormous expense involved in gaining FDA approval, many researchers reluctantly set these promising drug innovations aside. Mr. President, this should not happen, not when so many are suffering from these rare diseases, and we have an effective credit available that has proven its benefits.

I urge my Senate colleagues to join me in sponsoring this legislation. Mr. President, I ask unanimous consent

that the text of this bill be printed in the RECORD.

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

S. 1052

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

SECTION 1. CREDIT FOR CERTAIN CLINICAL TESTING EXPENSES MADE PERMANENT; CARRYOVER AND CARRYBACK OF UNUSED CREDITS.

(a) CREDIT MADE PERMANENT.—Section 28 of the Internal Revenue Code of 1986 (relating to clinical testing expenses for certain drugs for rare diseases or conditions) is amended by striking subsection (e).

(b) CARRYOVER AND CARRYBACK OF UNUSED CREDITS.—Paragraph (2) of section 28(d) of such Code is amended by adding at the end the following flush sentences:

''Rules similar to the rules of subsections (a), (b), and (c) of section 39 shall apply to the credit under this section. No credit under this section may be carried under such rules to a taxable year beginning before January 1, 1995.''

(c) TECHNICAL AMENDMENTS RELATED TO CARRYOVER AND CARRYBACK OF CREDITS.—

(1) CARRYOVER OF CREDIT.—

(A) Subsection (c) of section 381 of such Code (relating to items of the distributor or transferor corporation) is amended by adding at the end thereof the following new paragraph:

''(27) CREDIT UNDER SECTION 28.—The acquiring corporation shall take into account (to the extent proper to carry out the purposes of this section and section 28, and under such regulations as may be prescribed by the Secretary) the items required to be taken into account for purposes of section 28 in respect to the distributor or transferor corporation.''

(B) Paragraph (2) of section 383(a) of such Code (relating to special limitations on certain excess credits, etc.) is amended by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively, and by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

''(A) any unused clinical testing credit under section 28,''.

(2) CARRYBACK OF CREDIT.—

(A) Subparagraph (C) of section 6511(d)(4) of such Code (defining credit carryback) is amended by inserting ''any clinical testing credit carryback under section 28 and'' after ''means''.

(B) Subsection (a) of section 6411 of such Code (relating to tentative carryback and refund adjustments) is amended—

(i) by inserting ''by a clinical testing credit carryback under section 28,'' after ''172(b),'' in the first sentence, and

(ii) by striking ''net capital loss'' the first place it appears in the second sentence and all that follows before ''in the manner and form'' and inserting ''net capital loss, unused clinical testing credit, or unused business credit from which the carryback results and within a period of 12 months after such taxable year or, with respect to any portion of a clinical testing credit carryback or business credit carryback attributable to a net operating loss carryback or a net capital loss carryback from a subsequent taxable year, within a period of 12 months from the end of such subsequent taxable year or, with respect to any portion of a business credit carryback attributable to a clinical testing credit carryback from a subsequent taxable year within a period of 12 months from the end of such subsequent taxable year,''.

(C) Paragraph (1) of section 6411(a) of such Code is amended by inserting ''unused clinical testing credit,'' after ''net capital loss,''.

(d) EFFECTIVE DATE.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall apply to amounts paid or incurred after December 31, 1994.

(2) CARRYOVERS AND CARRYBACKS.—The amendments made by subsections (b) and (c) shall apply to taxable years beginning after December 31, 1994.

ADDITIONAL COSPONSORS

S. 187

At the request of Mr. MCCAIN, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 187, a bill to provide for the safety of journeymen boxers, and for other purposes.

S. 254

At the request of Mr. LOTT, the names of the Senator from Utah [Mr. BENNETT], the Senator from Minnesota [Mr. WELLSTONE], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 254, a bill to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 308

At the request of Mr. HATFIELD, the name of the Senator from Mississippi [Mr. COCHRAN] was withdrawn as a cosponsor of S. 308, a bill to increase access to, control the costs associated with, and improve the quality of health care in States through health insurance reform, State innovation, public health, medical research, and reduction of fraud and abuse, and for other purposes.

S. 356

At the request of Mr. SHELBY, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor 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. 559

At the request of Mr. SIMPSON, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Tennessee [Mr. THOMPSON], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 559, a bill to amend the Lanham Act to require certain disclosures relating to materially altered films.

S. 863

At the request of Mr. GRASSLEY, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 863, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 864

At the request of Mr. GRASSLEY, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 864, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for nurse practitioners and clinical nurse specialists to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 955

At the request of Mr. HATCH, the names of the Senator from Arkansas [Mr. BUMPERS] and the Senator from Arizona [Mr. KYL] were added as cosponsors of S. 955, a bill to clarify the scope of coverage and amount of payment under the Medicare program of items and services associated with the use in the furnishing of inpatient hospital services of certain medical devices approved for investigational use.

S. 968

At the request of Mr. MCCONNELL, the names of the Senator from Idaho [Mr. KEMPTHORNE] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 968, a bill to require the Secretary of the Interior to prohibit the import, export, sale, purchase, and possession of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 969

At the request of Mr. BRADLEY, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 969, a bill to require that health plans provide coverage for a minimum hospital stay for a mother and child following the birth of the child, and for other purposes.

S. 974

At the request of Mr. GRASSLEY, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 974, a bill to prohibit certain acts involving the use of computers in the furtherance of crimes, and for other purposes.

S. 1009

At the request of Mr. D'AMATO, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1009, a bill to prohibit the fraudulent production, sale, transportation, or possession of fictitious items purporting to be valid financial instruments of the United States, foreign governments, States, political subdivisions, or private organizations, to increase the penalties for counterfeiting violations, and for other purposes.

SENATE JOINT RESOLUTION 26

At the request of Mr. SIMPSON, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of Senate Joint Resolution 26, a joint resolution designating April 9, 1995, and April 9, 1996, as ''National Former Prisoner of War Recognition Day.''

SENATE RESOLUTION 146

At the request of Mr. JOHNSTON, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of Senate Resolution 146, a resolution designating the week beginning November 19, 1995, and the week beginning on November 24, 1996, as ''National Family Week,'' and for other purposes.

SENATE RESOLUTION 147

At the request of Mr. THURMOND, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of Senate Resolution 147, a resolution designating the weeks beginning September 24, 1995, and September 22, 1996, as ''National Historically Black Colleges and Universities Week,'' and for other purposes.

SENATE RESOLUTION 155—RELATIVE TO UNITED STATES/JAPAN AVIATION DISPUTE

Mr. PRESSLER (for himself, Mr. STEVENS, Mr. BAUCUS, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BUMPERS, Mr. COCHRAN, Mrs. FEINSTEIN, Mr. GORTON, Mr. HOLLINGS, Mr. KERRY, Mr. LAUTENBERG, Mr. LOTT, Ms. MOSELEY-BRAUN, Mr. MURKOWSKI, Mr. PACKWOOD, Mr. PELL, Mr. PRYOR, Mr. ROTH, and Mr. SIMON) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 155

Whereas the Governments of the United States and Japan entered into a bilateral aviation agreement in 1952 that has been modified periodically to reflect changes in the aviation relationship between the two countries;

Whereas in 1994 the total revenue value of passenger and freight traffic for United States air carriers between the United States and Japan was approximately $6 billion;

Whereas the United States/Japan bilateral aviation agreement guarantees three U.S. carriers ''beyond rights'' that authorize them to fly into Japan, take on additional passengers and cargo, and then fly to another country;

Whereas the United States/Japan bilateral aviation agreement requires that, within 45 days of filing a notice with the Government of Japan, the Government of Japan must authorize United States air carriers to serve routes guaranteed by their ''beyond rights'';

Whereas United States air carriers have made substantial economic investment in reliance upon the expectation their rights under the United States/Japan bilateral aviation agreement would be honored by the Government of Japan;

Whereas the Government of Japan has violated the United States/Japan bilateral aviation agreement by preventing United States air carriers from serving routes clearly authorized by their ''beyond rights''; and

Whereas the refusal by the Government of Japan to respect the terms of the United States/Japan bilateral aviation agreement is having severe repercussions on United States air carriers and, in general, customers of these United States air carriers: Now, therefore, be it

Resolved, That the Senate—

(1) calls upon the Government of Japan to honor and abide by the terms of the United States/Japan bilateral aviation agreement and immediately authorize United States air cargo and passenger carriers which have pending route requests relating to their ''beyond rights'' to immediately commence service on the requested routes;

(2) calls upon the President of the United States to identify strong and appropriate forms of countermeasures that could be taken against the Government of Japan for its egregious violation of the United States/Japan bilateral aviation agreement; and

(3) calls upon the President of the United States to promptly impose against the Government of Japan whatever countermeasures are necessary and appropriate to ensure the Government of Japan abides by the terms of the United States/Japan bilateral aviation agreement.

Mr. PRESSLER. Mr. President, I rise today to submit a resolution expressing the concern of the United States Senate over the Government of Japan's violation of the bilateral aviation agreement between our two countries and its continued refusal to respect this agreement.

I am pleased so many of my colleagues from both sides of the aisle have joined me in submitting this resolution. It speaks volumes about the importance of the issue. In particular, I thank my good friend from Alaska, Senator STEVENS, who has worked very closely with me on this matter for some time.

As I said last month when I addressed the Senate at length on the United States/Japan aviation dispute, this issue is extraordinarily straightforward: Should the United States allow Japan to unilaterally deny United States carriers rights guaranteed those carriers by the United States/Japan bilateral aviation agreement? The clear and unequivocal answer is ''no.''

If we tolerate and accept this breach, it would establish a very dangerous precedent for U.S. international aviation relations. The Chinese among others are very carefully watching how the United States reacts in this dispute. The potential ramifications are much broader than aviation. We would send the nations of the world the message it is okay to pick and choose which provisions of agreements with the United States they want to abide by. That is a very dangerous message. One we must not send.

I was pleased when the Department of Transportation issued a show-cause order to the Government of Japan on June 19 in response to its violation of our air service agreement. The administration was absolutely correct in doing so. If anything, the show-cause order could have been issued sooner, but quite correctly, the administration was patient in its good faith talks to try to resolve this dispute. The Government of Japan left us with no other option.

A month has passed since the show-cause order was issued. The United States continues to negotiate in good faith with the Government of Japan. Unfortunately, the Government of Japan continues to refuse to honor the United States/Japan bilateral aviation agreement. I am not surprised because time is on the side of Japan. The longer Japan delays, the longer they prevent our carriers from competing against their inefficient carriers. Time is definitely on their side.

Mr. President, for today and the future, the economic stakes of this trade dispute are tremendous and therefore the administration must be prepared to impose strong countermeasures. We cannot negotiate indefinitely while our carriers suffer severe economic damages.

I cannot emphasize enough the significance of the economic stakes of the United States/Japan aviation dispute. For example, in 1994 the total revenue value of passenger and freight traffic for United States carriers between the United States and Japan was approximately $6 billion. During that same year, the value of cargo shipped by air between the United States and Japan was roughly $47 billion. This figure increases to approximately $132 billion when one considers the value of cargo shipped by air between the United States and all Asian countries. These figures speak loudly for themselves.

These statistics are indeed impressive. Yet they do not tell the whole story. While both the current size and the potential for the future of our aviation market to Japan and beyond to other Asian countries are impressive, the figures cited earlier do not rise to their proper level of significance until one considers the more than $65 billion trade deficit the United States currently has with Japan.

As chairman of the Senate Committee on Commerce, Science, and Transportation, all too often I see parochial fighting among U.S. air carriers undermine our country's international aviation policy. This infighting sets off a chain reaction on Capitol Hill. The political firestorm that results unfortunately often prevents the Secretary of Transportation from making the strongest possible international aviation agreements. Instead, we accept international agreements that may serve the best political interest of an administration, but that all too often fail to produce the greatest possible economic gain for our country. Foreign nations know this is our Achilles heel in international aviation negotiations. They know it and they exploit it.

Mr. President, this resolution puts the Senate on record in clear opposition to the actions of the Japanese Government. It is designed to place the administration in a position of political strength from which it can deal with this vitally important international aviation matter. I had hoped the show-cause order would serve as a wake-up call to the Government of Japan. Apparently it has not.

It is my hope this resolution will further drive home the message to the Government of Japan that international agreements are to be honored, not unilaterally disregarded. I urge all of my colleagues to support this resolution.

AMENDMENTS SUBMITTED

THE LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1996

BYRD AMENDMENT NO. 1802

Mr. BYRD proposed an amendment to the bill (H.R. 1854) making appropriations for the legislative branch for the fiscal year ending September 30, 1996, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

SEC. . (a) It is the sense of the Senate that the Senate should consider a resolution in the 104th Congress, 1st Session, that requires an accredited member of any of the Senate press galleries to file an annual public report with the Secretary of the Senate disclosing the identity of the primary employer of the member and of any additional sources of earned outside income received by the member, together with the amounts received from each such source.

(b) For purposes of this section, the term ''Senate press galleries'' means—

(1) the Senate Press Gallery;

(2) the Senate Radio and Television Correspondents Gallery;

(3) the Senate Periodical Press Gallery; and

(4) the Senate Press Photographers Gallery.

FEINGOLD (AND OTHERS) AMENDMENT NO. 1803

Mr. FEINGOLD (for himself, Mr. MCCAIN, Mrs. FEINSTEIN, Mr. JEFFORDS, Mr. WELLSTONE, Mr. BRADLEY, Mr. SIMON, Mr. BIDEN, Mr. LEAHY, Mr. AKAKA, Mr. GRAHAM, Mr. KERRY, and Mr. LAUTENBERG) proposed an amendment to the bill H.R. 1854, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . CAMPAIGN FINANCE REFORM.

(A) FINDINGS.—The Congress finds that—

(1) the current system of campaign finance has led to public perceptions that political contributions and their solicitation have unduly influenced the official conduct of elected officials;

(2) the failure to limit campaign expenditures in any way has caused individuals elected to the United States Senate to spend an increasing portion of their time in office raising campaign funds, interfering with the ability of the Senate to carry out its constitutional responsibilities;

(3) the public faith and trust in Congress as an institution has eroded to dangerously low levels and public support for comprehensive congressional reforms is overwhelming; and

(4) reforming our election laws should be a high legislative priority of the 104th Congress.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that as soon as possible before the conclusion of the 104th Congress, the United States Senate should consider comprehensive campaign finance reform legislation that will increase the competitiveness and fairness of elections to the United States Senate.

MCCONNELL AMENDMENT NO. 1804

Mr. MACK (for Mr. MCCONNELL) proposed an amendment to amendment No. 1803 proposed by Mr. FEINGOLD to the bill H.R. 1854, supra; as follows:

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

It is the sense of the Senate that before the conclusion of the 104th Congress, comprehensive welfare reform, food stamp reform, Medicare reform, Medicaid reform, superfund reform, wetlands reform, reauthorization of the Safe Drinking Water Act, reauthorization of the Endangered Species Act, immigration reform, Davis-Bacon reform, State Department reauthorization, Defense Department reauthorization, Bosnia arms embargo, foreign aid reauthorization, fiscal year 1996 and 1997 Agriculture appropriations, Commerce, Justice, State appropriations, Defense appropriations, District of Columbia appropriations, Energy and Water Development appropriations, Foreign Operations appropriations, Interior appropriations, Labor, Health and Human Services and Education appropriations, Legislative Branch appropriations, Military Construction appropriations, Transportation appropriations, Treasury and Postal appropriations, and Veterans Affairs, Housing and Urban Development, and Independent Agencies appropriations, reauthorization of the Older Americans Act, reauthorization of the Individuals with Disabilities Education Act, health care reform, job training reform, child support enforcement reform, tax reform, and a ''Farm Bill'' should be considered.

BROWN AMENDMENT NO. 1805

Mr. BROWN proposed an amendment to the bill H.R. 1805, supra; as follows:

On page 3, line 26, add at the end the following, ''The account for the Office of Sergeant at Arms and Doorkeeper is reduced by $10,000, provided that there shall be no new elevator operators hired to operate automatic elevators.''

SPECTER AMENDMENT NO. 1806

Mr. SPECTER proposed an amendment to the bill H.R. 1805, supra; as follows:

At the appropriate place insert the following new section:

SEC. .

(a) FINDINGS.—The Congress finds that—

(1) war and human tragedy have reigned in the Balkans since January 1991;

(2) the conflict has occasioned the most horrendous war crimes since Nazi Germany and the Third Reich's death camps;

(3) these war crimes have been characterized by ''ethnic cleansing'', summary executions, torture, forcible displacement, massive and systematic rape, and attacks on medical and relief personnel committed mostly by Bosnian Serb military, para-military, and police forces;

(4) more than 200,000 people, mostly Bosnian Muslims, have been killed or are missing, 2.2 million are refugees, and another 1.8 million have been displaced in Bosnia;

(5) the final report of the Commission of Experts on War Crimes in the Former Yugoslavia, submitted to the United Nations Security Council on May 31, 1995, documents more than 3500 pages of detailed evidence of war crimes committed in Bosnia;

(6) the decisions of the United Nations Security Council have been disregarded with impunity;

(7) Bosnian Serb forces have hindered humanitarian and relief efforts by the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, and other relief efforts;

(8) Bosnian Serb forces have incessantly shelled relief outposts, hospitals, and Bosnian population centers;

(9) the rampage of violence and suffering in Bosnia and Herzegovina continues unchecked and the United Nations and NATO remain unable or unwilling to stop it; and

(10) the feeble reaction to the Bosnian tragedy is sending a message to the world that barbaric warfare and inhumanity is to be rewarded: Now, therefore, be it

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate hereby

(1) condemns the war crimes and crimes against humanity committed by all sides to the conflict in the Balkans, particularly the Bosnian Serbs; and

(2) condemns the policies and actions of Bosnian Serb President Radovan Karadzic and Bosnian Serb military commander Ratko Mladic and urges the Special Prosecutor of the International Criminal Tribunal for the Former Yugoslavia to expedite the review of evidence for their indictment for such crimes.

(3) It is the sense of the Senate that the Special Prosecutor for the International Criminal Tribunal for the Former Yugoslavia should investigate the recent and ongoing violations of international humanitarian law in Bosnia and Herzegovina.

(4) The Senate urges the President to make all information, including intelligence information, on war crimes and war criminals available to the International Criminal Tribunal for the Former Yugoslavia.

(5) It is the sense of the Senate that the President should not terminate economic sanctions, or cooperate in the termination of such sanctions, against the Governments of Serbia and Montenegro unless and until the President determines and certifies to Congress that President Slobodan Milosovic of Serbia is cooperating fully with the International Criminal Tribunal for the Former Yugoslavia.

DOLE AMENDMENT NO. 1807

Mr. DOLE proposed an amendment to amendment No. 1803 proposed by Mr. FEINGOLD to the bill, H.R. 1854, supra; as follows:

Strike all after the word ''SEC.'' and insert the following: ''It is the sense of the Senate that before the conclusion of the 104th Congress, comprehensive welfare reform, food stamp reform, Medicare reform, Medicaid reform, superfund reform, wetlands reform, reauthorization of the Safe Drinking Water Act, reauthorization of the Endangered Species Act, immigration reform, Davis-Bacon reform, State Department reauthorization, Defense Department reauthorization, Bosnia arms embargo, foreign aid reauthorization, fiscal year 1996 and 1997 Agriculture appropriations, Commerce, Justice, State appropriations, Defense appropriations, District of Columbia appropriations, Energy and Water Development appropriations, Foreign Operations appropriations, Interior appropriations, Labor, Health and Human Services and Education appropriations, Legislative Branch appropriations, Military Construction appropriations, Transportation appropriations, Treasury and Postal appropriations, and Veterans Affairs, Housing and Urban Development, and Independent Agencies appropriations, reauthorization of the Older Americans Act, reauthorization of the Individuals with Disabilities Education Act, health care reform, comprehensive campaign finance reform, job training reform, child support enforcement reform, tax reform, and the Farm bill should be considered''.

HOLLINGS (AND OTHERS) AMENDMENT NO. 1808

Mr. HOLLINGS (for himself, Mr. HATCH, Mr. STEVENS, Mr. ROBB, Mr.

LIEBERMAN and Mr. KENNEDY) proposes an amendment to the bill, H.R. 1854, supra; as follows:

Strike page 29, line 6, through page 30, line 20, and insert in lieu thereof the following:

For salaries and expenses necessary to carry out the provisions of the Technology Assessment Act of 1972 (Public Law 92–484), including official reception and representation expenses (not to exceed $5,500 from the Trust Fund), $15,000,000: *Provided*, That the Librarian of Congress shall report to Congress within 120 days after the date of enactment of this Act with recommendations on how to consolidate the duties and functions of the Office of Technology Assessment, the General Accounting Office, and the Government Printing Office into an Office of Congressional Services within the Library of Congress by the year 2002: *Provided further*, That notwithstanding any other provision of this Act, each of the following accounts is reduced by 1.12 percent from the amounts provided elsewhere in this Act: ''salaries, Office of the Architect of the Capitol, Architect of the Capitol''; ''Capitol Buildings, Architect of the Capitol''; ''Capitol grounds, Architect of the Capitol''; ''Senate office buildings, Architect of the Capitol''; ''Capitol power plant, Architect of the Capitol''; ''library buildings and grounds, Architect of the Capitol''; and ''salaries and expenses, Office of the Superintendent of Documents, Government Printing Office'': *Provided further*, That notwithstanding any other provision of this Act, the amounts provided elsewhere in this Act for ''salaries and expenses, General Accounting Office,'' are reduced by 1.92 percent.

THE COMPREHENSIVE REGULATORY REFORM ACT OF 1995

HATCH (AND ROTH) AMENDMENT NO. 1809

(Ordered to lie on the table.)

Mr. HATCH (for himself and Mr. ROTH) submitted an amendment intended to be proposed by them to the bill (S. 343) to reform the regulatory process, and for other purposes; as follows:

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

''§ 625. Jurisdiction and judicial review

''(a) REVIEW.—Compliance or noncompliance by an agency with the provisions of this subchapter and subchapter III shall be subject to judicial review only in accordance with this section.

''(b) JURISDICTION.—(1) Except as provided in subsection (e), subject to paragraph (2), each court with jurisdiction under a statute to review final agency action to which this title applies, has jurisdiction to review any claims of noncompliance with this subchapter and subchapter III.

''(2) Except as provided in subsection (e), no claims of noncompliance with this subchapter or subchapter III shall be reviewed separate or apart from judicial review of the final agency action to which they relate.

''(c) RECORD.—Any analysis or review required under this subchapter or subchapter III shall constitute part of the rulemaking record of the final agency action to which it pertains for the purposes of judicial review.

''(d) STANDARDS FOR REVIEW.—In any proceeding involving judicial review under section 706 or under the statute granting the rulemaking authority, failure to comply with this subchapter or subchapter III may not be considered by the court except for the purpose of determining whether the final agency action is arbitrary and capricious or an abuse of discretion (or unsupported by substantial evidence where that standard is otherwise provided by law).

ROTH (AND HATCH) AMENDMENT NO. 1810

(Ordered to lie on the table.)

Mr. ROTH (for himself and Mr. HATCH) submitted an amendment intended to be proposed by them to the bill S. 343, supra; as follows:

At the end of the amendment add the following:

''Notwithstanding any other provision of this act, 623(i), 625(d), 625(e) and 706(a)(2)(F) shall not be effective, and the following shall apply:

(d) COMPLETION OF REVIEW OR REPEAL OF RULE.—If an agency has not completed review of the rule by the deadline established under subsection (b), the agency shall immediately commence a rulemaking action pursuant to section 553 of this title to repeal the rule and shall complete such rulemaking within 2 years of the deadline established under subsection (b).

(e) STANDARDS FOR REVIEW.—In any proceeding involving judicial review under section 706 or under the statute granting the rulemaking authority, failure to comply with this subchapter or subchapter III may not be considered by the court except for the purpose of determining whether the final agency action is arbitrary and capricious or an abuse of discretion (or unsupported by substantial evidence where that standard is otherwise provided by law).

HATCH (AND ROTH) AMENDMENTS NOS. 1811–1814

(Ordered to lie on the table.)

Mr. HATCH (for himself and Mr. ROTH) submitted four amendments intended to be proposed by them to the bill S. 343, supra; as follows:

AMENDMENT NO. 1811

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

''Notwithstanding the provision of 623(e)(3) the following shall apply:

''(3) A petition for review of final agency action under subsection (b) or subsection (c) shall be filed not later than 60 days after the agency publishes the final rule under subsection (b). The court shall, to the extent practicable, consolidate such actions in one proceeding.''

AMENDMENT NO. 1812

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

''Notwithstanding section 553(1) of title 5 of the United States Code, the following shall apply:

''(1) RULEMAKING PETITION.—(1) Each agency shall give an interested person the right to petition for the issuance, amendment, or repeal of a rule.''

AMENDMENT NO. 1813

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

''Notwithstanding the provisions of 624(a), the following shall apply: CONSTRUCTION WITH OTHER LAWS.—The requirements of section 624 shall supplement and not supersede, any other decisional criteria otherwise provided by law. If, with respect to any rule to be promulgated by a Federal agency, the agency cannot comply as a matter of law, both with a requirement of section 624 and any requirement of the statute authorizing the rule, such requirements of section 624 shall not apply to the rule.''

AMENDMENT NO. 1814

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

''Notwithstanding any provision of this Act to create a subsection(c) of section 604 of Title 5 of the United States Code, the following shall apply:

(b) REGULATORY FLEXIBILITY ANALYSIS.—

(1) FINAL REGULATORY FLEXIBILITY ANALYSIS.—Section 604 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

''(c)(1) Except as provided in paragraph (2), no final rule for which a final regulatory flexibility analysis is required under this section shall be promulgated unless the agency finds that the final rule minimizes compliance burdens on small entities to the maximum extent possible, consistent with the purposes of this subchapter, the objectives of the rule, and the requirements of applicable statutes.

''(2) If an agency determines that a statute requires a rule to be promulgated that does not satisfy the criterion of paragraph (1), the agency shall—

''(A) include a written explanation of such determination in the final regulatory flexibility analysis; and

''(B) transmit the final regulatory flexibility analysis to Congress when the final rule is promulgated.''.

CRAIG (AND OTHERS) AMENDMENTS NOS. 1815–1817

(Ordered to lie on the table.)

Mr. CRAIG (for himself, Mr. HATCH, and Mr. ROTH) submitted three amendments intended to be proposed by them to an amendment to the bill S. 343, supra; as follows:

AMENDMENT NO. 1815

In the matter to be inserted strike ''the agency head may promulgate'' and insert in lieu thereof ''the agency head may (and if the agency has a nondiscretionary duty to issue a rule, shall) promulgate''.

AMENDMENT NO. 1816

In lieu of the matter proposed, insert the following:

''Notwithstanding the provisions of section 626 of this Act, the following shall apply:

''§ 626. Deadlines for rulemaking

''(a) STATUTORY.—All deadlines in statutes that require agencies to propose or promulgate any rule subject to section 622 or subchapter III during the 2-year period beginning on the effective date of this section shall be suspended until the earlier of—

''(1) the date on which the requirements of section 622 or subchapter III are satisfied; or

''(2) the date occurring 6 months after the date of the applicable deadline.

''(b) COURT-ORDERED.—All deadlines imposed by any court of the United States that would require an agency to propose or promulgate a rule subject to section 622 or subchapter III during the 2-year period beginning on the effective date of this section shall be suspended until the earlier of—

''(1) the date on which the requirements of section 622 or subchapter III are satisfied; or

''(2) the date occurring 6 months after the date of the applicable deadline.

''(c) OBLIGATION TO REGULATE.—In any case in which the failure to promulgate a rule by a deadline occurring during the 2-year period beginning on the effective date

of this section would create an obligation to regulate through individual adjudications, the deadline shall be suspended until the earlier of—

''(1) the date on which the requirements of section 622 or subchapter III are satisfied; or

''(2) the date occurring 6 months after the date of the applicable deadline.

AMENDMENT NO. 1817

In lieu of the matter proposed, insert the following:

''Notwithstanding Section 553(f)(4) the following Shall apply; (4) A description of the factual conclusions upon which the rule is based.''

NUNN AMENDMENTS NOS. 1818–1819

(Ordered to lie on the table.)

Mr. NUNN submitted two amendments intended to be proposed by him to amendment No. 1700 submitted by him to the bill S. 343, supra; as follows:

AMENDMENT NO. 1818

On page 1, line 8 insert before the semicolon the following: '', except that this subparagraph shall not apply to more than 150 such rules (or sets of closely related rules) proposed by the agency during any fiscal year''.

AMENDMENT NO. 1819

On page 1, line 8 insert before the semicolon the following: '', except that this subparagraph shall not apply to more than 100 such rules (or sets of closely related rules) proposed by the agency during any fiscal year''.

NUNN AMENDMENTS NOS. 1820–1821

(Ordered to lie on the table.)

Mr. NUNN submitted two amendments intended to be proposed by him to amendment No. 1698 submitted by him to the bill S. 343, supra; as follows:

AMENDMENT NO. 1820

On page 1, line 8 insert before the semicolon the following: '', except that this subparagraph shall not apply to more than 100 such rules (or sets of closely related rules) proposed by the agency during any fiscal year''.

AMENDMENT NO. 1821

On page 1, line 8 insert before the semicolon the following: '', except that this subparagraph shall not apply to more than 150 such rules (or sets of closely related rules) proposed by the agency during any fiscal year''.

JOHNSTON AMENDMENT NO. 1822

(Ordered to lie on the table.)

Mr. JOHNSTON submitted an amendment intended to be proposed by him to amendment No. 1574 submitted by Mr. LAUTENBERG to amendment No. 1487 proposed by Mr. DOLE to the bill S. 343, supra; as follows:

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

''(d) TOXICS RELEASE INVENTORY STANDARDS.—Section 313(d) of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11023(d)) is amended by adding the following to the end of paragraph (2):

''No chemical may be included on the list described in subsection (c) of this section, if the chemical has low toxicity to human health or the environment and if only under unrealistic exposures would such chemical pose one or more of the hazards described in subsection (d)(2)(B) or (d)(2)(C). Nothing in this section shall be construed to require the Administrator or a person to carry out a risk assessment under section 633 of title 5, United States Code, to carry out a site-specific analysis to establish actual ambient concentrations, or to document adverse effects at any particular location.''

BOND (AND ROBB) AMENDMENT NO. 1823

(Ordered to lie on the table.)

Mr. BOND (for himself and Mr. ROBB) submitted an amendment to amendment No. 1797 submitted by Mr. BOND to amendment No. 1487 proposed by Mr. DOLE to the bill S. 343, supra; as follows:

On page 1 line 4, strike everything through the end of the amendment and insert in lieu thereof the following:

''Petition for alternative means of compliance

''(a) IN GENERAL.—Any entity subject to one or more human health, safety or environmental rules may petition an agency to modify or waive such rules. The petitioned agency is authorized to enter into one or more enforceable agreements establishing alternative means to demonstrate compliance, not otherwise permitted by such rules, to be complied with in lieu of such rules. The petition shall identify with reasonable specificity, the facilities for which an alternative means of compliance is sought, the rules for which a modification or waiver is sought, the proposed alternative means of compliance, and the proposed form of an enforceable agreement.

''(b) STANDARDS.—(1) The agency shall grant a petition under this section if the agency determines that the petitioner shows there is a reasonable likelihood that the alternative means of compliance—

(A) would achieve an overall level of protection of health, safety and the environment at least substantially equivalent to or exceeding the level of protection provided by the rules subject to the petition;

(B) would provide a degree of public access to information, and of accountability and enforceability, at least substantially equivalent to the degree provided by the rules subject to the petition; and

(C) would not impose an undue burden on the agency responsible for enforcing the agreement entered into pursuant to subsection (f).

(2) In making the determinations under this subsection, the agency shall take into account any relevant cross media effects of the proposed alternative means of compliance, and whether the proposed alternative means of compliance would transfer any significant human health, safety or environmental effects between populations or geographic locations.

''(c) OTHER PROCEDURES.—If the statute authorizing a rule subject to a petition under this section provides specific available procedures or standards allowing an alternative means of compliance for such rule, which are neither designed to assist the implementation of the existing method of compliance nor codifications of the constitutional right to petition the government,such petition shall be reviewed consistent with such procedures or standards.

''(d) PUBLIC NOTICE AND INPUT.—No later than the date on which the petitioner submits the petition to the agency, the petitioner shall inform the public of the submission of such petition (including a brief description of the petition) through publication of a notice in the newspapers of general circulation in the area in which the facility or facilities are located. Agencies may authorize or require petitioners to use additional or alternative means of informing the public of the submission of such petitions. If the agency proposes to grant the petition, the agency shall provide public notice and opportunity to comment on the petition and on any proposed enforceable agreements.

''(e) DEADLINE AND LIMITATION ON SUBSEQUENT PETITIONS.—A decision to grant or deny a petition under this subsection shall be made no later than 240 days after a complete petition is submitted. Following a decision to deny a petition under this section, no petition, submitted by the same person, may be granted unless it applies to a different facility, or it is based on a change in a fact, circumstance, or provision of law underlying or otherwise related to the rules subject to the petition.

''(f) AGREEMENT.—Upon granting a petition under this section, the agency shall propose one or more enforceable agreements establishing alternative methods of compliance for the facilities subject to the petition in lieu of the otherwise applicable rules. Not withstanding any other provision of law, such enforceable agreements may modify or waive the terms of any human health safety or environmental rule, including any standard, limitation, permit condition, order, regulation or other requirement issued by the agency consistent with the requirements of subsection (b) and (c), provided that the state in which the facility is located agrees to any modification or waiver of applicable rules. If accepted by the owner or operator of a facility, compliance with such agreement shall be deemed to be compliance with the laws and rules identified in the agreement. An agreement entered into under this section shall provide for enforcement as if it were a provision of the rule or rules being modified or waived.

''(g) NEPA NONAPPLICABILITY.—Approval of an alternative means of compliance under this section by an agency shall not be considered a major Federal action for purposes of the National Environmental Policy Act.

''(h) JUDICIAL REVIEW.—A decision to grant or deny a petition, or to enter into an enforceable agreement, under this section shall not be subject to judicial review.

''(i) SAVINGS CLAUSE.—A decision to grant or deny a petition or enter into an enforceable agreement shall not create any obligation on an agency to modify any regulation.

HATCH (AND LOTT) AMENDMENT NO. 1824

(Ordered to lie on the table.)

Mr. HATCH (for himself and Mr. LOTT) submitted an amendment intended to be proposed by them to the bill S. 343, supra; as follows:

In lieu of the matter proposed insert the following: ''No chemical may be included on the list described in subsection (c) of this section if exposures from reasonably anticipated releases cannot reasonably be anticipated to cause the adverse effects described in subsection (d)(2)(B) or (d)(2)(C).

''Nothing in this section shall be construed to require the Administrator or a person to carry out a risk assessment under Section 633 of Title 5, US Code, or a site-specific analysis to establish actual ambient concentrations or to document adverse effects at any particular location.''

THE LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1996

GRAMM AMENDMENT NO. 1825

Mr. GRAMM proposed an amendment to the bill H.R. 1854, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . PROHIBITION ON FUNDING OF CONTRACT AWARDS BASED ON RACE, COLOR, NATIONAL ORIGIN, OR GENDER.

(a) PROHIBITION.—For fiscal year 1996, none of the funds made available by this Act may be used by any unit of the legislative branch of the Federal Government to award any Federal contract, or to require or encourage the award of any subcontract, if such award is based, in whole or in part, on the race, color, national origin, or gender of the contractor or subcontractor.

(b) OUTREACH AND RECRUITMENT ACTIVITIES.—This section does not limit the availability of funds for technical assistance, advertising, counseling, or other outreach and recruitment activities that are designed to increase the number of contractors or subcontractors to be considered for any contract or subcontract opportunity with the Federal Government, except to the extent that the award resulting from such activities is based, in whole or in part, on the race, color, national origin, or gender of the contractor or subcontractor.

(c) HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—This section does not limit the availability of funds for activities that benefit an institution that is a historically Black college or university on the basis that the institution is a historically Black college or university.

(d) EXISTING AND FUTURE COURT ORDERS.—This section does not prohibit or limit the availability of funds to implement a—

(1) court order or consent decree issued before the date of enactment of this Act; or

(2) court order or consent decree that—

(A) is issued on or after the date of enactment of this Act; and

(B) provides a remedy based on a finding of discrimination by a person to whom the order applies.

(e) EXISTING CONTRACTS AND SUBCONTRACTS.—This section does not apply with respect to any contract or subcontract entered into before the date of the enactment of this Act, including any option exercised under such contract or subcontract before or after such date of enactment.

(f) DEFINITION.—As used in this section, the term ''historically Black college or university'' means a part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

MURRAY (AND OTHERS) AMENDMENT NO. 1826

Mrs. MURRAY (for herself, Mr. DASCHLE, Ms. MOSELEY-BRAUN, Mr. DODD, Mrs. FEINSTEIN and Mr. COHEN) proposed an amendment to amendment No. 1825 proposed by Mr. GRAMM to the bill, H.R. 1825, supra; as follows:

In lieu of the text proposed to be inserted, insert the following: ''None of the funds made available in this Act may be used for any program for the selection of Federal Government contractors when such program results in the award of Federal contracts to unqualified persons, in reverse discrimination, or in quotas, or is inconsistent with the decision of the Supreme Court of the United States in *Adarand Constructors, Inc.* v. *Pena* on June 12, 1995.''

MURRAY AMENDMENT NO. 1827

Mr. EXON (for Mrs. MURRAY) proposed an amendment to amendment No. 1825 proposed by Mr. GRAMM to the bill, H.R. 1825, supra; as follows:

Strike all after the first word and insert: ''None of the funds made available in this Act may be used for any program for the selection of Federal Government contractors when such program results in the award of Federal contracts to unqualified persons, in reverse discrimination, or in quotas, or is inconsistent with the decision of the Supreme Court of the United States in *Adarand Constructors, Inc.* v. *Pena* on June 12, 1995.'' This section shall be effective one day after enactment.''

DOLE AMENDMENT NO. 1828

Mr. MACK (for Mr. DOLE) proposed an amendment to the bill, H.R. 1854; supra; as follows:

On page 27 of the bill, strike all between lines 1–25, and insert the following:

CAPITOL GUIDE SERVICE

For salaries and expenses of the Capitol Guide Service, $1,628,000, to be disbursed by the Secretary of the Senate: *Provided,* That none of these funds shall be used to employ more than thirty-three individuals: *Provided further,* That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

SPECIAL SERVICES OFFICE

For salaries and expenses of the Special Services Office, $363,000, to be disbursed by the Secretary of the Senate.

SIMON (AND OTHERS) AMENDMENT NO. 1829

Mr. MACK (for Mr. SIMON for himself, Mr. Reid, Mr. SIMPSON, Mr. LOTT and Ms. MOSELEY-BRAUN) proposed an amendment to the bill, H.R. 1854; supra, as follows:

At the appropriate place, insert the following new section:

SEC. . REPEAL OF PROHIBITIONS AGAINST POLITICAL RECOMMENDATIONS RELATING TO FEDERAL EMPLOYMENT.

(a) IN GENERAL.—(1) Section 3303 of title 5, United States Code, is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) The table of sections for chapter 33 of title 5, United States Code, is amended by striking out the item relating to section 3303.

(2) Section 2302(b)(2) of title 5, United States Code, is amended to read as follows:

''(2) solicit or consider any recommendation or statement, oral or written, with respect to any individual who requests or is under consideration for any personnel action unless such recommendation or statement is based on the personal knowledge or records of the person furnishing it and consists of—

''(A) an evaluation of the work performance, ability, aptitude, or general qualifications of such individual; or

''(B) an evaluation of the character, loyalty, or suitability of such individual;''.

LIEBERMAN (AND GRASSLEY) AMENDMENT NO. 1830

Mr. MACK (for Mr. LIEBERMAN, for himself, and Mr. GRASSLEY) proposed an amendment to the bill, H.R. 1854; supra; as follows:

At the end of SEC. 308(b)(2) insert:

(c) The amendments made by this section shall take effect only if the Administrative Conference of the United States ceases to exist prior to the completion and submission of the study to the Board as required by Section 230 of the Congressional Accountability Act of 1995 (2 U.S.C. 1371).

BINGAMAN AMENDMENT NO. 1831

Mr. MACK (for Mr. BINGAMAN) proposed an amendment to the bill, H.R. 1854; supra; as follows:

At the end of the bill, add the following:

SEC. . (a) The head of each agency with responsibility for the maintenance and operation of facilities funded under this Act shall take all actions necessary to achieve during fiscal year 1996 a 5-percent reduction in facilities energy costs from fiscal year 1995 levels. The head of each such agency shall transmit to the Treasury of the United States the total amount of savings achieved under this subsection, and the amount transmitted shall be used to reduce the deficit.

(b) The head of each agency described in subsection (a) shall report to the Congress not later than December 31, 1996, on the results of the actions taken under subsection (a), together with any recommendations as to how to further reduce energy costs and energy consumption in the future. Each report shall specify the agency's total facilities energy costs and shall identify the reductions achieved and specify the actions that resulted in such reductions.

MACK AMENDMENT NO. 1832

Mr. MACK proposed an amendment to the bill, H.R. 1854; supra; as follows:

On page 60, line 1, strike all through the period on line 17.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1995

WELLSTONE (AND MOSELEY-BRAUN) AMENDMENT NO. 1833

Mr. WELLSTONE (for himself and Ms. MOSELEY-BRAUN) proposed an amendment to the bill (H.R. 1944) making emergency supplemental appropriations for additional disaster assistance, for anti-terrorism initiatives, for assistance in the recovery from the tragedy that occured at Oklahoma City, and making rescissions for the fiscal year ending September 30, 1995, and for other purposes; as follows:

On page 38, strike lines 24 and 25 and insert the following: ''under this heading in Public Law 103–333, $204,000 are rescinded: *Provided,* That section 2007(b) (relating to the administrative and travel expenses of the Department of Defense) is amended by striking ''rescinded'' the last place the term appears and inserting ''rescinded, and an additional amount of $319,000,000 is rescinded'': *Provided further,* That of the funds made available''.

Beginning on page 34, strike line 24 and all that follows through page 35, line 10, and insert the following: ''Public Law 103–333, $1,125,254,000 are rescinded, including $10,000,000 for necessary expenses of construction, rehabilitation, and acquisition of new Job Corps centers, $2,500,000 for the School-to-Work Opportunities Act, $4,293,000 for section 401 of the Job Training Partnership Act, $5,743,000 for section 402 of such

Act, $3,861,000 for service delivery areas under section 101(a)(4)(A)(iii) of such Act, $100,010,000 for carrying out title II, part C of such Act, $2,223,000 for the National Commission for Employment Policy and $500,000 for the National Occupational Information Coordinating Committee: *Provided*, That of such $1,125,254,000, not more than $43,000,000 may be rescinded from amounts made available to carry out part A of title II of the Job Training Partnership Act, not more than $35,600,000 may be rescinded from amounts made available to carry out title III of the Job Training Partnership Act, and no portion may be rescinded from funds made available to carry out section 738 of the Stewart B. McKinney Homeless Assistance Act: *Provided further*, That service delivery areas may''.

On page 41, strike lines 6 through 11 and insert the following: ''Public Law 103–333, $91,959,000 are rescinded as follows: From the Elementary and Secondary Education Act, title II–B, $29,000,000 title V–C, $16,000,000, title IX–B, $3,000,000, title X–D, $1,500,000, title X–G, $1,185,000, section 10602, $1,399,000, and title XIII–A,''.

Beginning on page 43, strike line 25 and all that follows through page 44, line 2, and insert the following: ''Public Law 103–333, $13,425,000 are rescinded as follows: From the Elementary and Secondary Education Act, title III–B, $5,000,000, title''.

On page 107, line 21, (relating to the administrative and travel expenses of the Department of Defense) strike ''$50,000,000'' and insert ''$382,342,000''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. MACK. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Thursday, July 20, 1995, session of the Senate for the purpose of conducting an executive session and markup.

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

COMMITTEE ON FINANCE

Mr. MACK. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet on Thursday, July 20, 1995, beginning at 9:30 a.m. in room SD–215, to conduct a hearing on Medicare.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. MACK. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 20, 1995, at 4 p.m.

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

COMMITTEE ON THE JUDICIARY

Mr. MACK. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, July 20, 1995, at 8:30 a.m. in SD226.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MACK. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Organ Transplant Act Reauthorization, during the session of the Senate on Thursday, July 20, 1995, at 9:30 a.m.

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

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. MACK. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 20, 1995, at 2 p.m.

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

SUBCOMMITTEE ON DRINKING WATER, FISHERIES, AND WILDLIFE

Mr. MACK. Mr. President, I ask unanimous consent that the Subcommittee on Drinking Water, Fisheries, and Wildlife be granted permission to conduct a hearing Thursday, July 20, at 9 a.m., on reauthorization of the Endangered Species Act.

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

SUBCOMMITTEE ON SOCIAL SECURITY AND FAMILY POLICY

Mr. MACK. Mr. President, I ask unanimous consent that the Subcommittee on Social Security and Family Policy of the Committee on Finance be permitted to meet on Thursday, July 20, 1995, beginning at 9:30 a.m. in room SR–418, to conduct a hearing on international population assistance programs and S. 1029, the International Population Stabilization and Reproductive Health Act.

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

NOTICE OF INTENTION TO AMEND THE STANDING RULES OF THE SENATE

Mr. BROWN. Mr. President, I submit the following notice in writing: ''In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to amend Senate Rule 34.''

At the appropriate place insert the following:

SEC. . FINANCIAL DISCLOSURE OF INTEREST IN QUALIFIED BLIND TRUST.

(a) IN GENERAL.—Rule XXXIV of the Standing Rules of the Senate is amended by adding at the end the following new paragraph:

''3. In addition to the requirements of paragraph 1, Members, officers, and employees of the Senate shall include in each report filed under paragraph 2 an additional statement under section 102(a) of the Ethics in Government Act of 1978 listing the category of the total cash value of any interest of the reporting individual in a qualified blind trust as provided in section 102(d)(1) of the Ethics in Government Act of 1978.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply with respect to reports filed under title I of the Ethics in Government Act of 1978 for calendar year 1996 and thereafter.

(2) EXCEPTION.—With respect to an individual who is precluded by the terms of the trust instrument from receiving information on the total cash value of any interest in a qualified blind trust on the date of enactment of this section, the amendment made by this section shall apply with respect to reports filed under title I of the Ethics in Government Act of 1978 for calendar year 2001 and thereafter.

ADDITIONAL STATEMENTS

THE NASA AUTHORIZATION BILL FOR FISCAL YEAR 1996

• Mr. BURNS. Mr. President, yesterday, Senator PRESSLER and I introduced the NASA authorization bill for fiscal year 1996 which I have enthusiastically cosponsored. The bill authorizes a total of $13.8 billion for the agency, a 3-percent decrease from the requested level of $14.26 billion. That funding should allow NASA to continue the important missions that already are underway such as space station, Mission to Planet Earth, and the aeronautics and space science programs. It should also prepare NASA for the future by authorizing several new missions, such as an effort to develop a shuttle replacement and a new radar satellite program.

Mr. President, as you know, we are in a budget crisis of sorts and NASA deserves a great deal of credit as one of few Federal agencies to respond to it early and responsibly. In 3 years, NASA cut the space shuttle budget from $4 billion to $3.1 billion. It developed a redesign of space station that was $5 billion less expensive than the earlier space station *Freedom* concept. Mission to Planet Earth has been reduced from a $17 billion armada of satellites to a $7 billion focused satellite system. Earlier this year, faced with the prospect of deep congressional budget cuts across all of the Government, NASA took the initiative and developed a plan to cut $5 billion in 5 years, without reducing program content.

But NASA did not stop there. This year, it conducted a comprehensive zero-based review of all of its activities and programs to achieve even greater savings. That review looked at a broad range of money-saving measures such as work force reductions, elimination of redundant activities, consolidation of functions, and operating more efficiently. I understand that, within the administration, NASA's efforts are often cited as the model for reinventing government.

After 3 consecutive years of brutal budget cuts, NASA is now down to the bone. To require additional reductions would force NASA to cancel important space programs, close vital facilities, or layoff essential skilled personnel. That would decimate the Nation's science and technology base. Equally important, it would decimate the morale of the good men and women who

have made our space program the subject of movies like ''Apollo 13'' and inspired thousands of scientists, engineers, and schoolchildren across our country.

It is time for the bloodletting to stop and to give NASA the support it needs to face the challenges of the future. This NASA authorization bill is designed to do just that.

The bill provides the full $2.1 billion requested level for space station. This program is NASA's most costly, complex, and controversial activity and we are all aware of the many criticisms leveled against it. However, space station is precisely the kind of bold vision that NASA was created to pursue. Space station will enable the United States and the international science community to conduct unique microgravity research and expand our knowledge about humans' ability to live and work in space. If past missions are any indication, the space station will undoubtedly yield breakthroughs in biomedicine and advanced materials. We can probably also expect exciting spinoffs just as past space missions have spawned microelectronics, pacemakers, advance water filtration systems, communications, and many other products and services we now take for granted.

I must admit concern about the heavy reliance of the current station plan on the Russians. I remain troubled by the possibility that the program might collapse if the Russians were to withdraw for any reason. However, I am still a strong Station supporter and the full funding provided in the bill will keep the program on track for a first element launch in 1997.

The bill also provides full funding for Mission to Planet Earth. Mission to Planet Earth is NASA's $7 billion satellite program aimed at studying how the oceans, land, and atmosphere work as a system in order to understand and predict global climate change. For those of us representing farm States, weather and water are our lifeblood. Mission to Planet Earth promises dramatic improvements in our ability to predict climate change and manage our scarce water resources. If those expectations are met, the program will easily pay for itself in lives and property saved and improved water management.

Mr. President, in my view, one of the most important areas within NASA is aeronautics—the first A in NASA. For many years, aeronautics seemed to be reduced to a small A status. It always seemed to take a back seat to the higher-profile space missions. However, under Dan Goldin's leadership, that is beginning to change and NASA is giving aeronautics the backing it deserves.

To me, the aeronautics research is critical to maintaining U.S. technological leadership and aerospace competitiveness. For instance, the high speed research program is developing pre-competitive technologies in support of supersonic aircraft. It is estimated that the first country to market such an aircraft stands to gain $200 billion in sales and 140,000 new jobs. Similarly, the advanced subsonic technology program funds research in support of subsonic airplanes—a market that generates one million jobs and contributes over $25 billion annually to the U.S. trade balance. These programs are money-makers and it is in the national interest to give them whatever support they need. Accordingly, our NASA bill authorizes aeronautics research at the requested level of $891 million for fiscal year 1996.

As a final point, Mr. President, I note that the bill also authorizes a collection of activities and initiatives designed to extend NASA's vision to include our rural States. Our rural States can make an enormous contribution to the civilian space program if only given the chance. For example, in May, Prof. Steve Running of the University of Montana testified before the Science Subcommittee about his efforts to use remote sensing satellite data in forest and crop management. To embrace our rural States in our space program, the bill contains a $2 million increase for the EPSCoR program, which funds important research in our rural States. It also funds another Rural Teacher Resource Center to the existing nine Centers, as well as an additional rural technology transfer and commercialization center, to fill in coverage gaps in those two programs. Further, it provides funding for an Upper Missouri River Basin hydrology project. This project should help the Nation develop better strategies for predicting, and responding to, the flooding and other water management problems that have plagued the Missouri River region in recent years.

Mr. President, I believe that this bill provides NASA with the support it requires to continue and build on its important work in space and aeronautics and I urge my colleagues to support this legislation when it reaches the floor later this year. Thank you, Mr. President.●

COMPREHENSIVE HEALTH CARE

Mr. SIMON. Mr. President, the need for comprehensive health care is apparent in the numbers. We have 41 million Americans without health care coverage.

But these are not just numbers.

We are talking about real people and real problems.

When you look at the individual cases, you see the tragedy of our present policy.

At the end of my remarks, I am inserting into the RECORD a letter from Mrs. Mary Davis that is largely self-explanatory.

It tells what is happening in one family.

Why we cannot respond, I do not know.

As some of my colleagues know, I have introduced a bill calling for health care coverage for pregnant women and children six and under.

I am pleased that Senator CHAFEE of Rhode Island has expressed an interest in the legislation.

I hope we can emerge with a bipartisan consensus to at least cover pregnant women and children six and under. That would take care of the needs of this one family, at least for a short time, and protect a great many others.

It is not a substitute for universal coverage, but it is a step in the right direction.

I ask that Mrs. Davis' letter be printed in the RECORD.

The letter follows:

JUNE 19, 1995.

Hon. PAUL SIMON,
U.S. Senator, United States Congress, Washington, DC.

DEAR SENATOR SIMON: I am writing to you with a very distressing problem.

Our granddaughter was born May 2, 1994 16 weeks premature. At the time of her birth, her mother had been unemployed because of medical problems; her father was laid off in April of that year from his job. They applied for assistance and received care for mother and baby. Bethany was in the hospital for 4 months, and although doing well, she has lost her eye sight. She is in therapy for work on her hip joints and she had allergies and has a history of respiratory problems. They moved in with us shortly after Jennifer was dismissed from the hospital, because they had no income. We are in the ministry and live in a parsonage.

In November of last year, Andy went back to work and they were able to secure a house for $150.00 per month. Andy brings home about $150 after taxes. As it should be, Jennifer was picked up by Andy's insurance, however, Bethany remained on a medical card because her dad's insurance, Blue Cross and Blue Shield, refused to cover her. Bethany is in therapy for her legs, regular doctor visits, and she has had two surgeries on her eyes last October in Detroit. She is scheduled to have more surgeries. However, it is understood that she will probably only have light vision.

Cost of living became so that Jennifer was forced to return to work just to keep rent and utilities paid. This past week, Jennifer and Andy were notified that Bethany would be losing her medical card and all coverage as of July 1, just because her mother had gone back to work. Jennifer works for Kentucky Fried Chicken and brings home about $150 per week. Beth does receive SSI of about $401 per month. By losing these medical benefits, she will not be able to keep regular office visits, because the clinic requires payment each and every time, she can no longer go to Detroit for eye surgery because the doctor won't take her without coverage, and she probably will have to give up the therapy on her legs, because they cannot afford the costs.

Tell me what they are suppose to do. Both insurance coverage that their jobs provide, refuse to insure Bethany and now she is losing her assistance. These two young kids and Bethany have been through a lot this last year. Now they have a blind child who cannot get assistance. Can something be done?

I wouldn't have your job for nothing. Being in the ministry, we realize just how difficult it is to please everyone, but I don't care if you are Democrat or Republican, I am neither, but someone has to do something about medical coverage.

I believe you are trying. But tell me where do you go to get help for the innocent children. She cannot go on medicaid or medicare, because she has not worked and not put anything into the system. She will never be able to read, drive or get around on her own. I realize that technology may be available in years to come that will be beneficial to her, but what is going to happen to her now.

I hope that you will be able to read this. I know that we are just a small amount of the millions you must hear from daily, but I just couldn't sit and do nothing with my distress and care for this beautiful little girl who is struggling to live.

God bless you and your family. May you gain the wisdom and the ability to lead us to a better way of life for everyone.

Respectfully yours,

MARY F. DAVIS.●

BILL SMULLIN HONORED

● Mr. HATFIELD. Mr. President, the broadcasting and cable industry will honor an Oregon legend this fall, when television pioneer Bill Smullin will be inducted into the Broadcasting and Cable Hall of Fame.

Bill's life is remembered for his contributions and achievements, including the establishment of broadcast and cable television in southern Oregon and northern California. In 1930, Bill Smullin founded Oregon-California Broadcasting, Inc., and later began the fist VHF television station in Oregon. His company provided cable television in the region by transmitting signals via microwave from Portland and San Francisco to southern Oregon.

Those of us who had the honor of knowing Bill have fond personal memories. He was as giving to the community as to his friends. I know his family is pleased that he is being afforded this prestigious professional honor and send my congratulations to them.●

A TRIBUTE TO RALPH O. BRENNAN

● Mr. BREAUX. Mr. President, I rise today to pay tribute to a fellow Louisianian, Mr. Ralph O. Brennan, who will be honored August 4 by the Louisiana Restaurant Association for his distinguished career in the food service industry. A member of the world-famous Brennan restaurant family of New Orleans, Mr. Brennan has long exemplified a commitment to community service, participatory democracy and creating opportunities for all Americans.

He has diligently served, and continues to serve, the $290 billion food service industry and its 9.4 million employees. A past president of the Louisiana Restaurant Association, he currently is chairman of the board and president of the National Restaurant Association, a major trade group here in Washington. He is also a trustee of the Association's educational foundation, and will be an industry delegate to the first White House Conference on Travel and Tourism in October 1995. In all of these capacities he urges independent restaurateurs from around the country to participate fully in the democratic process by getting to know their elected representatives at every level of government and then making it their responsibility to keep those officials informed. He facilitates their involvement through a toll-free hotline, numerous personal appearances and—perhaps most important—leading by example, through frequent visits to his Members of Congress and, on occasion, delivering testimony before congressional committees.

With his sister, Cindy, Mr. Brennan owns and operates two award-winning restaurants in the New Orleans French Quarter, thereby helping to preserve the rich culinary heritage of that great city which his family has successfully endeavored to do for three generations. But, as an industry leader, he is determined to preserve far more than just a great family tradition. Mr. Brennan has dedicated his life to preserving the boundless opportunities that food service affords individuals the rest of society could ignore, like recent immigrants, those without education or professional skills, and those on public assistance. Entry-level restaurant positions—washing dishes, bussing tables, assisting with food preparation—are a proven first step up a viable career ladder for millions of Americans; in fact, 60 percent of today's restaurant owners and managers started out in what some unknowing and insensitive people might refer to as dead-end restaurant jobs. In the restaurant business, upward mobility is the rule rather than the exception.

Mr. President, as this Congress continues its debate on welfare reform, I salute Mr. Brennan for working to ensure that the unmatched employment and training opportunities afforded by the food service industry will be something all Americans can be proud of in the future.●

CALIFORNIA: A SOCIETY THAT CUTS CHILD WELFARE BUT BOOSTS JAILS

Mr. SIMON. Mr. President, I do not believe I have ever met Prof. Robert C. Fellmeth of the University of San Diego, but I read what he had to say in the Los Angeles Times about cutting back on assistance to the poor while, at the same time, we hand largess to the wealthy.

Statistics differ somewhat, but the California situation mirrors the national situation.

If we are doing what is politically popular, I do not know, but what we are doing is certainly wrong.

What we need is not Senators and House Members who follow the latest public opinion poll on tax cuts or anything else, but people who try to lead, and sometimes do the unpopular, in order to reduce poverty in our country, to improve education and to do the things that are needed for a better future.

The incredible increase in prison construction and incarceration has done nothing to decrease the crime rate in our country. If putting people in prison reduced the crime rate, we would have the lowest crime rate in the world, with the possible exception of Russia.

While Professor Fellmeth zeroes in on the California situation, it is worthwhile for my House and Senate colleagues to read what he has to say because they will find a striking similiarity between the California action and the Federal action.

I ask that his statement be printed in the RECORD.

The material follows:

[From the Los Angeles Times, July 5, 1995]

CALIFORNIA: A SOCIETY THAT CUTS CHILD WELFARE BUT BOOSTS JAILS

(By Robert C. Fellmeth)

Despite what we often hear from the governor and the Legislature, spending for the welfare of our children has been in steady decline.

An example: The governor claims to have given politically popular K–12 public education ''high priority'' and ''saved it from cuts'' for the last several years. But figures from the second annual Children's Budget, completed by the Children's Advocacy Institute, show a steady decline each year, including proposed spending for 1995–96.

At the federal level, Congress proposes to change child spending from ''entitlements'' based on how many children qualify for assistance to ''block grants,'' set at a static figure for five years. The Republican leadership contends that such a policy will curb what it calls ''runaway spending.'' In contrast, the Children's Budget reveals that such a freeze means substantial reductions year to year, imposed without consideration of need or consequences.

Budgets based on raw numbers, or numbers with only inflation or only population changes considered—but not adjusted by both—slowly but inexorably squeeze out infrastructure investment. In California this failure has allowed a largely undiscussed disinvestment in children to accumulate over the past six years.

From 1989–90 to the current year, Aid to Families With Dependent Children has been cut 20%, the three child-related Medi-Cal accounts an average of 23% and public education 7.5%

The consequences in terms of flesh and blood are momentous: The Children's Budget reveals that AFDC for 1.8 million children in California has been cut from close to the federal poverty line to only 75% of that wholly inadequate amount. The governor now proposes to reduce AFDC to just 64% of the poverty-line figure, posing a clear danger of malnutrition and permanent health damage. Wilson also proposes further cuts in AFDC assistance after six months of help; the Republican House would cut children off altogether after two years if Mom does not have a job.

Ironically, the same gradual suffocation has been applied to GAIN, the major program providing child care and job training for AFDC mothers. Here there is a 9% decline from 1989 and a proposed further cut of 12%.

The typical AFDC recipient—contrary to public perception—is 29, white, recently divorced, with two children and no child support. Her problem is not a desire for welfare dependency but the far more prevalent dilemma of paternal abandonment. Is it relevant that childcare help and job training, without which she does not have a chance, have been cut? Less than 10% of AFDC parents get child-care help.

The minimum wage is another example. If it had been adjusted to match inflation over the past 20 years, it would be just above $12,000, the federal poverty line for a family of three. But if our typical divorced mother of two obtains full-time employment at minimum wage (as many must do), she will earn $8,840 before deductions—about what full-time child care for her children will cost. Would we take such a population and cut their wages every year by 3% to 5%? That is what the current numbers accomplish.

We are spending more in one area: jailing of criminals. California now has the highest juvenile incarceration rate of any state, in a nation with the highest juvenile incarceration rate among all developed countries. California's adult prison population has increased from 19,000 in 1977 to 132,000 this year, at an operating cost of $20,000 per prisoner per year. The state is now preparing for 341,000 prisoners and 41 new prisons over the next eight years. Is there a relationship between unlimited prison spending and years of decreases in basic investment in children's programs?

To be sure, many of our problems can be traced to private irresponsibility—a dependency mentality by some and, for more, a frightening abandonment of children by biological fathers. But public spending makes a difference.

Children Now indexes show that a record 28.6% of California children live in poverty and 20% have no access to private or public health care. We also have high infant disability, record low test scores and increasingly violent juvenile crime.

Each of these aspects has a relationship to public spending. It is no accident that California's falling test scores, for example, correlate with the worst student-teacher ratio in the nation and a per-pupil spending level now nearing the bottom five states, just ahead of Alabama and at half the level of New Jersey.

California is one of the richest jurisdictions in the world—we can boast of having more vehicles than licensed drivers—and our wealth increases each year. The governor predicts that personal income will increase 6% in each of the next two years.

And our tax burden has decreased. In 1989–90, we spend $6.88 from the general fund for every $100 in personal income; in the current year, we are spending $5.86 per $100, and the governor proposes a further reduction to $5.50. At the same time, he is calling for a $7-billion tax cut for the wealthy over the next three years.

Could the governor make his cutback proposals if the right numbers were used and understood? The fact is that for six years we have been giving to the wealthy and taking from the children. We just haven't been talking about it.●

WEST VIRGINIA EDUCATION

● Mr. ROCKEFELLER. Mr. President, I rise today to congratulate and commend the counties of Mercer, Monroe, McDowell, Summers, Raleigh, and Wyoming in West Virginia and their commitment to participating in a parental involvement program called, Teachers Involving Parents Successfully [TIPS]. This program seeks to promote teachers working more closely with parents to help the children learn and succeed in school.

Too often, we forget that the condition of children's lives and their future prospects largely reflects the well-being of their families. When family support is strong, stable, and loving, children have a sound basis for becoming caring and competent adults. In contrast, when parents are unable to give children the attention and support they need in the home and for school, children are less likely to achieve their full potential. As a result, many of our Nation's gravest social problems stem from problems in our families.

However, Mr. President, there is genuine reason for hope and optimism. In my home State of West Virginia, under the leadership of local education officials, a new program is changing the lives of children and their families. Its development and expansion of community-based family support provides parents with the knowledge, skills, and support they need to work with their children and the school system. Its success has been achieved through a collaborative effort among State and Federal programs, including chapter I and other programs targeted for at-risk students, and private sector efforts in the community. Each month, 2,000 special education guides are distributed, as well as news releases, public service announcements, and radio reminders that focus the community on the need for parental involvement. Teacher training and support materials have also been provided to every school in a successful effort to coordinate teacher, parent, and child activity both inside and outside of school.

When I was chairman of the bipartisan National Commission on Children, we urged individuals and the country as a whole to reaffirm a commitment to forming and supporting strong, stable families as the best environment for raising children. The West Virginia TIPS Program is an extension of that goal, and its success is a tribute to those counties that have worked so hard to insure its development. The parents, children, and teachers in these counties are providing new opportunities for children and families. Their commitment to make a difference has ensured the success of the family, which is the best strategy for helping our children. They deserve our support and best wishes for continued success.●

OPPOSITION TO S. 956, THE NINTH CIRCUIT COURT OF APPEALS REORGANIZATION ACT OF 1995

● Mrs. MURRAY. Mr. President, I rise in opposition to S. 956, a bill to divide the ninth judicial circuit into two circuits.

This is the fourth time since 1983 that a bill to split the ninth circuit has been introduced in the U.S. Senate. The proposal has failed to become law because the ninth circuit is operating well and providing uniform and consistent interpretation of Federal laws across the nine Western States, and the territories of Guam and the Northern Mariana Islands.

The courts of the ninth circuit are functioning well, and, in many instances, serve as models for the rest of the country. The ninth circuit has prided itself on its experiments in judicial administration, and has been a national leader in developing innovative caseload management and court administration techniques.

The vast majority of judges, lawyers, and bar organizations in the ninth circuit have voted on several occasions against the division of the circuit.

Mr. President, I urge my colleagues to oppose this bill and to resist the temptation to meddle with an institution that is successfully administering justice in the American West.

Just 4 years ago, a comprehensive subcommittee hearing was held in the Senate on nearly identical legislation, and the proposal failed to emerge from committee. The proponents of S. 956 have identified no new reasons or change of circumstances to justify reopening this issue.

Mr. President, the ninth judicial circuit has prepared a detailed position paper opposing S. 956. I agree with the circuit's reasoning, and I commend this paper to my colleagues. I also urge them to join me in opposing this bill which is both unwise and unnecessary.

I ask that the complete text of the ''Position Paper in Opposition to S. 956—Ninth Circuit Court of Appeals Reorganization Act of 1995'' be printed in the RECORD.

The material follows:

POSITION PAPER IN OPPOSITION TO S. 956—NINTH CIRCUIT COURT OF APPEALS REORGANIZATION ACT OF 1995 (6/22/95)

Prepared by: The Office of the Circuit Executive for the United States Courts for the Ninth Circuit, P.O. Box 193846, San Francisco, California 94119–3486; Tel: 415–744–6150/Fax: 415–744–6179. [6/30/95]

Proposed legislation: S. 956 would divide the present Ninth Circuit into two unequal-sized circuits. The new Twelfth Circuit would consist of the states of Alaska, Idaho, Montana, Oregon, and Washington (6 districts), with 9 active circuit judges. The new Ninth Circuit would consist of the states of Arizona, California, Hawaii, and Nevada, and the territories of Guam and the Northern Mariana Islands (9 districts), with 19 active circuit judges.

The Ninth Circuit opposes S. 956. The Ninth Circuit is functioning well and has devised innovative ways of managing its caseload that are models for other circuits. As the nation's largest circuit, it benefits from significant advantages because of its size and believes division of the circuit is unnecessary and unwise. The Circuit Executive's Office for the United States Courts for the Ninth Circuit has prepared the following information in ''question and answer'' format to assist decisionmakers to understand the circuit's position on S. 956.

1. WHAT WOULD THE PROPOSED LEGISLATION DO?

S. 956 would create two courts—one 19-judge court and one 9-judge court—in place of a single 28-judge court. A basic problem with this proposal is that it creates more administrative problems than it solves. Quantitatively, such a circuit court would have a very small caseload. The aggregate number of cases in such a circuit based on the most recent statistics would be 1935,[1] making it the circuit court with the second smallest caseload in the country,[2] with only the First Circuit court having fewer cases. Of the 11

regional circuits, the circuit court with the median volume is the Second, with 3,986 cases; the proposed northern circuit would be less than half that number. Take away the northern states, and the Ninth Circuit court would still have the largest volume in the country. In short, such a proposal creates a very small circuit and gives not much relief.

In general, S. 956 presumes that two smaller circuits will do a better job of maintaining consistency and deciding cases promptly than the present circuit. The proposal ignores the central fact of appellate dockets: caseloads are constantly growing and dividing the circuit would simply create two courts with increasing caseloads without dealing with the fundamental problems resulting from expanding caseloads with no increase in judicial resources.

2. HOW DOES THIS BILL DIFFER FROM EARLIER PROPOSED LEGISLATION?

This is the ninth legislative proposal to split the Ninth Circuit since 1940. It is nearly identical (except for the alignment of Hawaii and the Territories) to measures introduced by Senator Gorton in 1983, 1989, and 1991. Each of those measures failed to emerge from committee and died at the conclusion of the legislative session. The Subcommittee on Courts and Administrative Practice of the Senate Committee on the Judiciary conducted a legislative hearing on the 1989 bill (S. 948) on March 6, 1990. The sponsors of the current bill have advanced no reason for dividing the circuit that was not fully considered and rejected in 1990. They have pointed to no change in circumstances that would justify yet another examination of this issue.

3. ARE THERE DRAWBACKS TO THE PROPOSED BILL?

The Ninth Circuit has functioned successfully in its present configuration for over 100 years. Any effort to abolish a successful, established institution should be cautiously examined. The proposed bill could create serious legal and administrative problems and costs that do not now exist:

(1) the potential for inconsistent law relating to admiralty, commercial trade, and utilities along the Western seaboard, including Alaska, Hawaii, and the Territories;

(2) the opportunity for litigants to forum shop by filing their cases in whichever circuit, northern or southern, they feel is most sympathetic to their cause;

(3) the substantial cost of setting up duplicative administrative structures;

(4) the loss of advantages of size (see Question #4, below);

(5) the rejection of the expressed will of the vast majority of the judges and lawyers in the circuit who oppose its division.

Common sense suggests the inadvisability of creating a new regional circuit that would require duplication of functions that are already being satisfactorily performed in a larger circuit. Administratively, the creation of a new circuit would require duplicative offices of clerk of court, circuit executive, staff attorneys, settlement attorneys, and library, as well as courtrooms, mail and computer facilities. In addition, approximately 40,000 square feet or new headquarters space would be required, all of which would duplicate offices and space in San Francisco. Further, a small circuit, with its concomitant small caseload, would underutilize judicial resources and reduce the opportunities for efficiencies available to a larger circuit.

Lawyers expressed particular concern that dividing the extended coastline in the West between two circuits would create inconsistent and conflicting application of maritime, commercial, and utility law in the two circuits, making commerce more difficult and costly, and requiring them to research the law of two circuits for every potential cross-circuit transaction. Potential inconsistencies would be especially troubling in the application of utility rates along the entire Pacific seaboard by the Bonneville Power Administration. These rate and administrative disputes should remain in a single service area, the Ninth Circuit.

On four occasions in the past 15 years, the federal judges in the Ninth Circuit and elected representatives of practicing lawyers who participate in the Ninth Circuit Judicial Conference have voted overwhelmingly in opposition to splitting the circuit. The current Almanac of the Federal Judiciary, Vol. 2, based on extensive polling, reports that the lawyers ''almost unanimously praise'' the court, and, with regard to circuit splitting, ''all seem to agree that such a division would be difficult and probably unsatisfactory.'' (1995–1, 9th Cir.)

4. ARE THERE ADVANTAGES TO A LARGE CIRCUIT?

A single court of appeals serving a large geographic region promotes uniformity and consistency in the law and facilitates trade and commerce by contributing to stability and orderly progress. In many respects, the size of the Ninth Circuit is an asset that has improved both decisionmaking and judicial administration. The court of appeals is strengthened and enriched, and the inevitable tendency to regional parochialism is weakened, by the variety and diversity of backgrounds of its judges drawn from the nine states comprising the circuit. The size of the circuit has also allowed the circuit to draw upon a large pool of district and bankruptcy judges for temporary assignment to neighboring districts with a temporary but acute need for judicial assistance.

The Ninth Circuit is a national leader in developing innovative solutions to caseload and administrative challenges. The ABA Appellate Practice Committee's Report applauded three specific operational efficiencies:

. . .issue classification, aggressive use of staff attorneys, and a limited en banc-[that] were developed by the Ninth Circuit precisely to address the issues of caseload and judgeship growth that the Subcommittee identified, and hold promise for other circuits as they continue to grow. (at p. 10).

The Ninth Circuit has served as a laboratory for experimentation in a host of other areas—from decentralized budgeting to cameras in the courts, from block case designations to improved state-federal judicial relations, from alternative dispute resolution to appellate commissioners, from improved tribal court relations to alternative forms of capital case representation. The results have inured to the benefit of the entire Judiciary. As the congressionally-mandated Federal Courts Study Committee noted in 1990, ''Perhaps the Ninth Circuit presents a workable alternative to the traditional model.'' Final Report of the Federal Courts Study Committee (1990).

5. WHAT IS THE POSITION OF THE SPONSORS?

In remarks introducing S. 853 (the immediate predecessor of S. 956[3]), Senator Gorton of Washington asserted the following grounds for the proposal: (1) a decrease in consistency of decisions due to size; (2) unmanageable caseloads; (3) inability to appreciate the interests of the Northwest; and (4) a decline in the performance of the circuit. 141 Cong. Rec. S7504 (daily ed. May 25, 1995) (statement of Sen. Gorton). Senator Burns of Montana echoed his colleague's concerns and suggested employment and local economic stability are threatened by delays in resolving lawsuits affecting timbering, mining, and water development. Delays in criminal appeals, especially those involving the death penalty, also are of concern to the Senators. 141 Cong. Rec. S7504 (daily ed. May 25, 1995) (statement of Sen. Burns) The circuit's specific responses to these contentions are set forth in the following sections.

6. HAS THE SIZE OF THE CIRCUIT ADVERSELY AFFECTED CONSISTENCY?

Consistency of court of appeals decisions is important to provide coherent guidance to lower courts and litigants. The Ninth Circuit has instituted case management devices that have effectively reduced conflicts between panels and maintained a high level of consistency in its decisions.

Since 1980, the use of a limited *en banc* panel to resolve intracircuit conflicts has proven highly effective. All 28 active judges participate in determining whether a case will be heard *en banc*. Each call for an *en banc* vote leads to careful evaluation of the development of the law of the circuit in that area. If a majority of the judges votes to hear a case *en banc* (which happens less than a dozen times a year), ten members of the court chosen at random plus the chief judge serve as the limited *en banc* court. Judges and lawyers have expressed a high degree of satisfaction with the limited *en banc* process; only a handful of requests have been made for a full court rehearing after the limited *en banc* panel has issued a decision, and none have been granted.

An objective, highly-praised scholarly study of consistency of the law in the Ninth Circuit concluded ''the pattern of [multiple relevant precedents] exemplified by high visibility issues. . . is not characteristic of Ninth Circuit jurisprudence generally. Nor is intracircuit conflict.'' *Restructuring Justice: The Innovations of the Ninth Circuit and The Future of the Federal Courts* (1990). A recent FJC study reached a similar conclusion:

In sum, despite concerns about the proliferation of precedent as the courts of appeals grow, there is currently little evidence that intracircuit inconsistency is a significant problem. Also, there is little evidence that whatever intracircuit conflict exists is strongly correlated with circuit size.

Structural and Other Alternatives for the Federal Courts of Appeals (1993).

Of greater concern is the potential for increased Intercircuit conflicts that would be spawned by the division of circuits. Dividing the Ninth Circuit would place an additional burden on the United States Supreme Court to resolve conflicts that are now handled internally within the circuit.

Nor is keeping abreast of the decisions of the Ninth Circuit a significant problem. For the past seven years, the number of published opinions issued by the circuit has remained relatively constant. In large part due to efficiencies and innovative case management methods pioneered in the circuit, the court has been able to accurately identify those selected precedential cases that truly merit publication and those routine cases which are most appropriately disposed of by a written decision sent only to the parties.

7. IS THE NINTH CIRCUIT'S CASELOAD EXCESSIVE WHEN COMPARED TO OTHER CIRCUITS?

While the caseload for the Ninth Circuit Court of Appeals is the highest in the nation in absolute numbers, the caseload level is clearly not excessive when compared to other circuits, using either of two standard measurement approaches.

Because federal statutes require that nearly all of the work of an appellate court be conducted by three-judge panels, the most accurate measure of a court's ability to manage its caseload is the number of appeals filed and terminated per panel. In 1994, the Ninth Circuit stood at 868 appeals filed per panel, very close to the median of 832 and

substantially below the numbers for the two circuits that emerged from the split of the Fifth Circuit in 1980. For the same year, the Ninth Circuit stood at 914 appeals terminated per panel, slightly above the median of 866.

Caseload levels may also be measured by case terminations per judge. The current Ninth Circuit rate of merit case terminations per judge is 446, a number which is exactly the national median. By either measure, the caseload levels in the Ninth Circuit approach the middle range for federal appellate judges.

In contrast, under the proposed bill, the new Twelfth Circuit, with nine judges, would seriously underutilize its judicial resources and create huge disparities between the two circuits. Using projected Twelfth Circuit filings of 1935, a nine-judge court would have 645 filings per panel. The new Ninth Circuit, with 19 judges and filings of 6391, would have 1014 filings per panel, or 57% more cases per panel when compared to the judges in the Twelfth Circuit and the third highest per panel filings figure in the nation.

7. IS REGIONALISM APPROPRIATE FOR AN APPELLATE COURT?

Sponsors of the legislation to divide the circuit cite the need for a court free from domination by California judges and California judicial philosophy. They assert that the Northwest states confront emerging issues that are unique to that region and that cannot be fully appreciated or addressed from a California perspective.

The premise that a judge's place of residence prejudices his or her determination of cases was rejected as completely unacceptable by former Chief Justice Warren Burger in his remarks concerning an earlier version of the sponsor's legislation: ''I find it a very offensive statement to be made that a United States judge, having taken the oath of office, is going to be biased because of the economic conditions of his own jurisdiction.'' (Record, August 2, 1991, S 12277) Calling an earlier version of legislation to split the circuit ''environmental gerrymandering,'' then-Senator Pete Wilson of California echoed Justice Burger's concerns, stating:

The judges of the Circuit are there to apply the law, not make it. Second, even in their application of the law, it is not intended that federal courts abide by a sense of localism. That is the role of the state and local courts. Ninth Circuit Court of Appeals Reorganization Act of 1989: Hearings on S. 948 Before the Subcomm. on Courts and Administrative Practice of the Senate Comm. on the Judiciary, 101st Cong., 2d Sess. 286 (1990) (written statement of Hon. Pete Wilson, U.S. Senate).

Similarly, the ABA Appellate Practice Committee's Subcommittee To Study Circuit Size reported that ''a majority of the Subcommittee questions whether regional differences should be a criterion in determining circuit size. * * * The role of circuit courts is primarily to apply federal law—a law that with few exceptions is to be applied uniformly across the land.'' (at p. 3).

8. WHAT IS THE NINTH CIRCUIT'S RECORD OF PERFORMANCE?

One measure of the efficiency of an appellate court is the average amount of time required to decide a case from the period between filing a notice of appeal and rendering of a final decision. In 1983, when an earlier version of legislation to split the circuit was proposed, the court had 4583 new filings and the average length of time from filing the notice of appeal to final decision was 10.5 months. In late 1989, the court of appeals headquarter (where cases are processed) was badly damaged and closed by the Loma Prieta earthquake in San Francisco. Court staff was scattered among six different temporary buildings until late 1991. During this period, the court has 7257 new filings and the average length of time from filing the notice of appeal to final decision role to 15.6 months. Since the court was consolidated in a single location in 1991, processing times have substantially improved. In 1994, the most recent period for which figures are available, the court received 8092 new filings, and, despite vacancies, had reduced the average length of time from filing the notice of appeal to final decision to 14.5 months, slightly less than the time required in the Eleventh Circuit.

The average time from filing to disposition, however, does not accurately reflect the time the cases are actually in the judges' hands. In the Ninth Circuit, the average time from oral argument submission to disposition—that is, the actual time the judges have the cases in their hands—is 1.9 months, or .5 months less than the national average. In short, what the court needs to reduce disposition times is more judges. Hundreds of cases are available to be heard by judges; there simply are not enough judges to hear them. This is the ''swell'' in pending cases referred to when S. 853 was introduced. 141 Cong. Rec. S7504 (daily ed. May 25. 1995) For this reason, in 1992 the Ninth Circuit requested additional judgeships. The Judicial Conference of the United States endorsed the request which is now pending before Congress. With four current vacancies on the court, the average time to disposition is unlikely to improve substantially until new judges come on board. Obviously this central problem would not be alleviated by dividing the circuit and the proposed split would materially increase the caseload of judges in the remaining Ninth Circuit.

9. IS CIRCUIT DIVISION THE SOLUTION TO GROWING CASELOADS?

The presumption that increasing the number of circuits would solve the problem of expanding federal court caseloads is the underlying fallacy of S. 956. Cases are resolved by judges, not circuits, and increasing the number of circuits without increasing the number of judges would only exacerbate the problem.

Even with the proposed division of the Ninth Circuit, the population shift and growth that is increasing litigation in the West would continue to increase the workload of the two new circuits. The old Fifth Circuit encountered the same situation when it was divided into the Fifth and Eleventh Circuits in 1980. Before the split, the Fifth Circuit had 4914 filings and 27 judgeships, compared to the Ninth Circuit's 4262 filings and 23 judgeships. By 1994, the combined Fifth and Eleventh Circuits' filings had increased 241% to 11,858, while the Ninth Circuit's had increased 190% to 8115. Dividing the Fifth Circuit had no effect on the growth of the caseload, which is at the root of the size issue.

In its study on circuit size, the ABA Appellate Practice Committee's Subcommittee to Study Circuit Size ''found no compelling reasons why circuit courts of various sizes—ranging from a few judges to fifty—cannot effectively meet the caseload challenge. Indeed for every argument in favor of smaller circuits, there is an equally compelling argument for larger circuits.'' Report (October 1992), as p. 5. The Federal Judicial Center's recent analysis of structural alternatives in response to the mandate of the Federal Court Study Committee concluded:

[T]here can be no doubt that the system and its judges are under stress. That stress derives primarily from the continuing expansion of federal jurisdiction without a concomitant increase in resources. It does not appear to be a stress that would be significantly relieved by structural change to the appellate system at this time. Structural and other Alternatives for the Federal Course of appeals (1993), at p. 155.

The Ninth Circuit is functioning well and is handling its caseload in a timely and responsible manner. It is a leader in innovative case management techniques and its size offers numerous advantages, including: the application of a uniform body of law to wide geographic area, economies of scale in case processing, the ability to serve as a laboratory for experimentation in judicial administration and adjudication, and the diversity of background of its members. The vast majority of judges and lawyers in the circuit support retention of the circuit in its present form and reject circuit division as a response to the caseload crisis.

Further Information Relating to the Issue of Splitting the Ninth Circuit:

ABA Appellate practice Committee, subcommittee to Study Circuit Size, Report (October 1992).

Baker, Thomas, ''On Redrawing Circuit Boundaries—Why the Proposal to Divide the United States Court of Appeals for the Ninth Circuit Is Not Such a Good Idea,'' 22 Ariz. S.L.J. 917 (1900).

Federal Judicial Center, J. McKenna, Structural and Other Alternatives for the Federal Courts of Appeals (1993).

Final Report of the Federal Courts Study Committee (1990).

Fourth Biennial Report to Congress on the Implementation of Section 6 of the Omnibus Judgeship Act of 1978 (1989).

Hellman, A. ed., Restructuring Justice: The innovations of the Ninth Circuit and The Future of the Federal Courts (1990).

Ninth Circuit Position Paper—1991.

Ninth Circuit Position Paper—1989.

Proposed Long Range Plan for the Federal Courts (1995).

U.S. Senate, Committee on the Judiciary, Ninth Circuit Court of Appeals Reorganization Act of 1989: hearings on S. 948 Before the Subcomm. on the Judiciary, 101st Cong., 2d Sess. (1990).

1. The caseload figures for the proposed new Ninth and new Twelfth Circuits are based upon internal court statistics for FY 1994.

2. All references are to regional circuits (the First through the Eleventh) and exclude comparisons to the two circuits that are based upon special jurisdiction rather than geography (the District of Columbia and the Federal Circuits).

3. Senator Gorton's remarks were made when he introduced S. 853 on May 25, 1995. That bill created a new Twelfth Circuit with seven judges and a new Ninth Circuit with nineteen judges. On June 22, 1995, Senator Gorton introduced a corrected bill that is identical to S. 853 except for a new Twelfth Circuit with nine judges and a new Ninth Circuit with nineteen judges. This paper is a response to the new bill and to the remarks made that the introduction of the earlier bill, S. 853.●

THE MEDIA, CENSORSHIP, AND PARENTAL EMPOWERMENT

● Ms. MIKULSKI. Mr. President, I rise today to speak on how best to control the viewing habits of America's children.

We are in a communication revolution. We have all heard about the information highway. We know that there is more and more information available to all of us. And more information available to children. Much of it is

good, and some of it is bad. The information highway includes ever-increasing numbers of television channels. These new and changing channels and the programs they broadcast are coming into our living rooms.

There is a good side to this growing technology and information, but we also know there is a bad side. Studies tell us that by the time a child enters high school, that child will watch over 8,000 murders and 100,000 acts of violence on television. How can parents know and control what their kids are watching. How can they control it when they are away from home working? How can they control what their kids see on the living room television when they are busy in the kitchen?

For some the solution is simple, just censor the networks or moviemakers. I believe there is a better way. It is the approach I believe in, and that is the approach that uses technology and information.

Mr. President, I am proud to cosponsor the Media Protection Act of 1995. This is the V-chip bill. A television that has this V chip will allow parents to block out programming that they don't want their children to see when they are away or in another room. This automatic blocking device will be triggered by a rating system that the networks can develop themselves. This is not censorship. It is no more censorship than the current movie theater rating system that was created by the movie industry less than three decades ago.

I am also pleased to cosponsor the Television Violence Report Card Act of 1995. This is the information part of what parents need. This legislation will encourage an evaluation of programming to let parents know just what to watch for or watch out for.

Some call this legislation censorship, but it is not. It is parental empowerment and parental involvement, and maybe a way to stem the tide of violence that kids are exposed to every day and evening they watch television.●

''WHY NOT ATOM TESTS IN FRANCE?''

● Mr. SIMON. Mr. President, the Washington Post had an editorial titled, ''Why Not Atom Tests in France?''

The policy of France is unwise, just as our earlier policy of continuing tests was unwise.

France is not doing a favor to stability in the world with these tests.

I hope that the French Government will reconsider this unwise course.

At this point, I ask unanimous consent that this op-ed piece be printed in the RECORD.

The material follows:

WHY NOT ATOM TESTS IN FRANCE?

France's unwise decision to resume nuclear testing was an invitation to the kind of protests and denunciations being generated by Greenpeace's skillful demonstration of political theater. But even before Greenpeace set sail for the test site, several Pacific countries had vehemently objected to France's intention of carrying out the explosions at a Pacific atoll. The most cutting comment came from Japan's prime minister, Tomiichi Murayama. At a recent meeting in Cannes the newly installed president of France, Jacques Chirac, confidently explained to him that the tests will be entirely safe. If they are so safe, Mr. Murayama replied, why doesn't Mr. Chirac hold them in France?

The dangers of these tests to France are, in fact, substantial. The chances of physical damage and the release of radioactivity to the atmosphere are very low. But the symbolism of a European country holding its tests on the other side of the earth, in a vestige of its former colonial empire, is proving immensely damaging to France's standing among its friends in Asia.

France says that it needs to carry out the tests to ensure the reliability of its nuclear weapons. Those weapons, like most of the American nuclear armory, were developed to counter a threat from a power that has collapsed. The great threat now, to France and the rest of the world, is the possibility of nuclear bombs in the hands of reckless and aggressive governments elsewhere. North Korea, Iraq and Iran head the list of possibilities. The tests will strengthen France's international prestige, in the view of many French politicians, by reminding others that it possesses these weapons. But in less stable and non-democratic countries, there are many dictators, juntas and nationalist fanatics who similarly aspire to improve their countries' standing in the world.

The international effort to discourage the spread of nuclear weapons is a fragile enterprise, depending mainly on trust and goodwill. But over the past half-century, the effort has been remarkably and unexpectedly successful. It depends on a bargain in which the nuclear powers agree to move toward nuclear disarmament at some indefinite point in the future, and in the meantime to avoid flaunting these portentous weapons or to use them merely for displays of one-upmanship. That's the understanding that France is now undermining. The harassment by Greenpeace is the least of the costs that these misguided tests will exact.●

ON THE RELEASE OF AUNG SAN SUU KYI

● Mr. MOYNIHAN. Mr. President, after 6 years of unjust detention by the Burmese military, Nobel Peace Prize winner Aung San Suu Kyi is free. While this is cause for celebration and great relief from those of us who have long called for her release, one cannot fail to stress that there is also great outrage that she was incarcerated in the first instance. The State Law and Order Restoration Council [SLORC], the military Junta in Burma, has sought to thwart democracy at every turn.

Led by Aung San Suu Kyi, the National League for Democracy [NLD] party won a democratic election in 1990, while she was under house arrest, yet the SLORC has never allowed the elected leaders of Burma to take office. Instead they have forced these leaders to flee their country to escape arrest and death.

The United States Senate has often spoken in support of those brave Burmese democracy leaders. We have withheld aid and weapons to the military regime, and have provided some, albeit modest amounts, of assistance to the Burmese refugees who have fled the ruthless SLORC. Pro-democracy demonstrators were particularly vulnerable, yet having fled the country they found themselves denied political asylum by Western governments. In 1989, Senator KENNEDY and I rose in support of the demonstrators and won passage of an amendment to the Immigration Act of 1990 requiring the Secretary of State and the Attorney General to clearly define the immigration policy of the United States toward Burmese pro-democracy demonstrators. Congress acted again on the Customs and Trade Act of 1990 to adopt a provision I introduced requiring the President to impose appropriate economic sanctions on Burma. The Bush administration utilized this provision to sanction Burmese textiles. Unfortunately these powers have never been exercised by the current administration.

The SLORC regime had to be denounced. The Senate continued to press for stronger actions. On March 12, 1992, the Foreign Relations Committee unanimously voted to adopt a report submitted by myself and Senator MCCONNELL detailing specific actions that should be taken before the nomination of a United States Ambassador to Burma would be considered in the Senate.

Last year the State Department Authorization Act for 1994–95 contained a provision I introduced placing Burma on the list of international outlaw states such as Libya, North Korea, and Iraq, an indication that the United States Congress considers the SLORC regime to be one of the very worst in the world. The Senate also unanimously adopted S. 234 on July 15, 1994, calling for the release of Aung San Suu Kyi and for increased international pressure on the SLORC to achieve the transfer of power to the winners of the 1990 democratic election.

Thankfully, Aung San Suu Kyi has now been released. But the struggle in Burma is not over. The SLORC continues to wage war against its own people. Illegal heroin continues to be produced with their complicity. And the SLORC continues to thwart the transfer to democracy in Burma. The New York Times concludes appropriately:

The end of Ms. Aung San Suu Kyi's detention must be followed by other steps toward democracy before Myanmar is deemed eligible for loans from multilateral institutions or closer ties with the United States. It is too soon to welcome Yangon back into the democratic community.

We in the Senate must rededicate ourselves to the strong support of those in Burma working to overcome this tyranny. I congratulate Aung San Suu Kyi on her extraordinary bravery and determination, and celebrate with her family the news of her release.

I ask that the July 13, 1995, editorial be printed in the RECORD.

The editorial follows:

[The New York Times, July 13, 1995]

NEW HOPE FOR BURMESE DEMOCRACY

The release of the political prisoner Daw Aung San Suu Kyi in Yangon, formerly Rangoon, is good news. Mrs. Aung San Suu Kyi, who won the Nobel Peace Prize in 1991, had been under house arrest for nearly six years. The next test for the regime, which changed the name of the country from Burma to Myanmar, will be to follow Ms. Aung San Suu Kyi's freedom with a return to some form of political pluralism and with other improvements in human rights.

Mrs. Aung San Suu Kyi's National League for Democracy won elections under her leadership in 1990. The military refused to recognize the results, imprisoning and intimidating many of the newly elected legislators. Burmese expatriates say torture is still routinely used in prisons and by the military in its repression of ethnic minorities.

Mrs. Aung San Suu Kyi's release has rekindled the hopes of many Burmese for a return to democracy. At her first public appearance, she stuck a conciliatory note, saying she wanted to promote dialogue with the military junta. She acted properly in cautioning against unrealistic expectations. Nevertheless, hundreds of people have made the pilgrimage to her home in Yangon since her release, demonstrating the deep loyalty of her followers.

But Mrs. Aung San Suu Kyi is re-entering a society in which her own name has been a forbidden word, where personal freedoms are severely restricted and political life brutally curtailed. She refused to make any deals with the authorities to gain her freedom, and she has made it clear that she intends to pursue her democratic goals.

Myanmar is eager to break its isolation and join the region's economic boom. Japan, which covets its rich natural resources, is already preparing to warm up relations with Yangon. But Myanmar will need substantial help from agencies like the World Bank and the International Monetary Fund to join the international economy.

The end of Ms. Aung San Suu Kyi's detention must be followed by other steps toward democracy before Myanmar is deemed eligible for loans from multilateral institutions or closer ties with the United States. It is too soon to welcome Yangon back into the democratic community.

INSULAR AREAS APPROPRIATIONS AUTHORIZATION

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar No. 134, S. 638, regarding the insular areas, that the committee substitute be agreed to, that the bill be read for a third time, and passed, and the motion to reconsider be laid upon the table.

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

The Senate proceeded to consider the bill (S. 638) to authorize appropriations for United States insular areas, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. TERRITORIAL AND FREELY ASSOCIATED STATE INFRASTRUCTURE ASSISTANCE.

Section 4(b) of Public Law 94–241 (90 Stat. 263) as added by section 10 of Public Law 99–396 (99 Stat. 837, 841) is amended by deleting ''until Congress otherwise provides by law.'' and inserting in lieu thereof: ''except that, for fiscal years 1996 and thereafter, payments to the Commonwealth of the Northern Mariana Islands pursuant to the multi-year funding agreements contemplated under the Covenant shall be limited to the amounts set forth in the Agreement of the Special Representatives on Future Federal Financial Assistance of the Northern Mariana Islands, executed on December 17, 1992 between the special representative of the President of the United States and special representatives of the Governor of the Northern Mariana Islands and shall be subject to all the requirements of such Agreement with any additional amounts otherwise made available under this section in any fiscal year and not required to meet the schedule of payments set forth in the Agreement to be provided as set forth in subsection (c) until Congress otherwise provides by law.

''(c) The additional amounts referred to in subsection (b) shall be made available to the Secretary for obligation as follows:

''(1) for fiscal year 1996, all such amounts shall be provided for capital infrastructure projects in American Samoa; and

''(2) for fiscal years 1997 and thereafter, all such amounts shall be available solely for capital infrastructure projects in Guam, the Virgin Islands, American Samoa, the Commonwealth of Northern Mariana Islands, the Republic of Palau, the Federated States of Micronesia and the Republic of the Marshall Islands: Provided, That, in fiscal year 1997, $3 million of such amounts shall be made available to the College of the Northern Marianas and beginning in fiscal year 1997, and in each year thereafter, not to exceed $3 million may be allocated, as provided in Appropriation Acts, to the Secretary of the Interior for use by Federal agencies or the Commonwealth of the Northern Mariana Islands to address immigration, labor, and law enforcement issues in the Northern Mariana Islands, including, but not limited to detention and corrections needs. The specific projects to be funded shall be set forth in a five-year plan for infrastructure assistance developed by the Secretary of the Interior in consultation with each of the island governments and updated annually and submitted to the Congress concurrent with the budget justifications for the Department of the Interior. In developing and updating the five year plan for capital infrastructure needs, the Secretary shall indicate the highest priority projects, consider the extent to which particular projects are part of an overall master plan, whether such project has been reviewed by the Corps of Engineers and any recommendations made as a result of such review, the extent to which a set-aside for maintenance would enhance the life of the project, the degree to which a local cost-share requirement would be consistent with local economic and fiscal capabilities, and may propose an incremental set-aside, not to exceed $2 million per year, to remain available without fiscal year limitation, as an emergency fund in the event of natural or other disasters to supplement other assistance in the repair, replacement, or hardening of essential facilities: *Provided further,* That the cumulative amount set aside for such emergency fund may not exceed $10 million at any time.

''(d) Within the amounts allocated for infrastructure pursuant to this section, and subject to the specific allocations made in subsection (c), additional contributions may be made, as set forth in Appropriation Acts, to assist in the resettlement of Rongelap Atoll: *Provided,* That the total of all contributions from any Federal source after January 1, 1995 may not exceed $32 million and shall be contingent upon an agreement, satisfactory to the President, that such contributions are a full and final settlement of all obligations of the United States to assist in the resettlement of Rongelap Atoll and that such funds will be expended solely on resettlement activities and will be properly audited and accounted for. In order to provide such contributions in a timely manner, each Federal agency providing assistance or services, or conducting activities, in the Republic of the Marshall Islands, is authorized to make funds available, through the Secretary of the Interior, to assist in the resettlement of Rongelap. Nothing in this subsection shall be construed to limit the provision of ex gratia assistance pursuant to section 105(c)(2) of the Compact of Free Association Act of 1985 (Public Law 99–239, 99 Stat. 1770, 1792) including for individuals choosing not to resettle at Rongelap, except that no such assistance for such individuals may be provided until the Secretary notifies the Congress that the full amount of all funds necessary for resettlement at Rongelap has been provided.''.

SEC. 2. FEDERAL MINIMUM WAGE.

Effective thirty days after the date of enactment of this Act, the minimum wage provisions, including, but not limited to, the coverage and exemptions provisions, of section 6 of the Fair Labor Standards Act of June 25, 1938 (52 Stat. 1062), as amended, shall apply to the Commonwealth of the Northern Mariana Islands, except—

(a) on the effective date, the minimum wage rate applicable to the Commonwealth of the Northern Mariana Islands shall be $2.75 per hour;

(b) effective January 1, 1996, the minimum wage rate applicable to the Commonwealth of the Northern Mariana Islands shall be $3.05 per hour;

(c) effective January 1, 1997 and every January 1 thereafter, the minimum wage rate shall be raised by thirty cents per hour or the amount necessary to raise the minimum wage rate to the wage rate set forth in section 6(a)(1) of the Fair Labor Standards act, whichever is less; and

(d) once the minimum wage rate is equal to the wage rate set forth in section 6(a)(1) of the Fair Labor Standards Act, the minimum wage rate applicable to the Commonwealth of the Northern Mariana Islands shall thereafter be the wage rate set forth in section 6(a)(1) of the Fair Labor Standards Act.

SEC. 3. REPORT.

The Secretary of the Interior, in consultation with the Attorney General and Secretaries of Treasury, Labor and State, shall report to the Congress by the March 15 following each fiscal year for which funds are allocated pursuant to section 4(c) of Public Law 94–241 for use by Federal agencies or the Commonwealth to address immigration, labor or law enforcement activities. The report shall include but not be limited to—

(1) pertinent immigration information provided by the Immigration and Naturalization Service, including the number of non-United States citizen contract workers in the CNMI, based on data the Immigration and Naturalization Service may require of the Commonwealth of the Northern Mariana Islands on a semiannual basis, or more often if deemed necessary by the Immigration and Naturalization Service,

(2) the treatment and conditions of non-United States citizen contract workers, including foreign government interference with workers' ability to assert their rights under United States law,

(3) the effect of laws of the Northern Mariana Islands on Federal interests,

(4) the adequacy of detention facilities in the Northern Mariana Islands,

(5) the accuracy and reliability of the computerized alien identification and tracking

system and its compatibility with the system of the Immigration and Naturalization Service, and

(6) the reasons why Federal agencies are unable or unwilling to fully and effectively enforce Federal laws applicable within the Commonwealth of the Northern Mariana Islands unless such activities are funded by the Secretary of the Interior.

SEC. 4. IMMIGRATION COOPERATION.

The Commonwealth of the Northern Mariana Islands and the Immigration and Naturalization Service shall cooperate in the identification and, if necessary, exclusion or deportation from the Commonwealth of the Northern Mariana Islands of persons who represent security or law enforcement risks to the Commonwealth of the Northern Mariana Islands or the United States.

SEC. 5. CLARIFICATION OF LOCAL EMPLOYMENT IN THE MARIANAS.

(a) Section 8103(i) of title 46 of the United States Code is amended by renumbering paragraph (3) as paragraph (4) and by adding a new paragraph (3) as follows:

''(3) Notwithstanding any other provision of this subsection, any alien allowed to be employed under the immigration laws of the Commonwealth of the Northern Mariana Islands (CNMI) may serve as an unlicensed seaman on a fishing, fish processing, or fish tender vessel that is operated exclusively from a port within the CNMI and within the navigable waters and exclusive economic zone of the United States surrounding the CNMI. Pursuant to 46 U.S.C. 8704, such persons are deemed to be employed in the United States and are considered to have the permission of the Attorney General of the United States to accept such employment: Provided, That paragraph (2) of this subsection shall not apply to persons allowed to be employed under this paragraph.''.

(b) Section 8103(i)(1) of title 46 of the United States Code is amended by deleting ''paragraph (3) of this subsection'' and inserting in lieu thereof ''paragraph (4) of this subsection''.

SEC. 6. CLARIFICATION OF OWNERSHIP OF SUBMERGED LANDS IN THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

Public Law 93–435 (88 Stat. 1210), as amended, is further amended by—

(a) striking ''Guam, the Virgin Islands'' in section 1 and inserting in lieu thereof ''Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands'' each place the words appear;

(b) striking ''Guam, American Samoa'' in section 2 and inserting in lieu thereof ''Guam, the Commonwealth of the Northern Mariana Islands, American Samoa''; and

(c) striking ''Guam, the Virgin Islands'' in section 2 and inserting in lieu thereof ''Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands.''.

With respect to the Commonwealth of the Northern Mariana Islands, references to ''the date of enactment of this Act'' or ''date of enactment of this subsection'' contained in Public Law 93–435, as amended, shall mean the date of enactment of this section.

SEC. 7. ANNUAL STATE OF THE ISLANDS REPORT.

The Secretary of the Interior shall submit to the Congress, annually, a ''State of the Islands'' report on American Samoa, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia that includes basic economic development information, data on direct and indirect Federal assistance, local revenues and expenditures, employment and unemployment, the adequacy of essential infrastructure and maintenance thereof, and an assessment of local financial management and administrative capabilities, and Federal efforts to improve those capabilities.

SEC. 8. TECHNICAL CORRECTION.

Section 501 of Public Law 95–134 (91 Stat. 1159, 1164), as amended, is further amended by deleting ''the Trust Territory of the Pacific Islands,'' and inserting in lieu thereof ''the Republic of Palau, the Republic of the Marshall Islands, the Federated States of Micronesia,''.

So the bill (S. 638), as amended, was read for the third time and passed as follows:

S. 638

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

SECTION 1. TERRITORIAL AND FREELY ASSOCIATED STATE INFRASTRUCTURE ASSISTANCE.

Section 4(b) of Public Law 94–241 (90 Stat. 263) as added by section 10 of Public Law 99–396 (99 Stat. 837, 841) is amended by deleting ''until Congress otherwise provides by law.'' and inserting in lieu thereof: ''except that, for fiscal years 1996 and thereafter, payments to the Commonwealth of the Northern Mariana Islands pursuant to the multi-year funding agreements contemplated under the Covenant shall be limited to the amounts set forth in the Agreement of the Special Representatives on Future Federal Financial Assistance of the Northern Mariana Islands, executed on December 17, 1992 between the special representative of the President of the United States and special representatives of the Governor of the Northern Mariana Islands and shall be subject to all the requirements of such Agreement with any additional amounts otherwise made available under this section in any fiscal year and not required to meet the schedule of payments set forth in the Agreement to be provided as set forth in subsection (c) until Congress otherwise provides by law.

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''(1) for fiscal year 1996, all such amounts shall be provided for capital infrastructure projects in American Samoa; and

''(2) for fiscal years 1997 and thereafter, all such amounts shall be available solely for capital infrastructure projects in Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Federated States of Micronesia and the Republic of the Marshall Islands: *Provided*, That, in fiscal year 1997, $3 million of such amounts shall be made available to the College of the Northern Marianas and beginning in fiscal year 1997, and in each year thereafter, not to exceed $3 million may be allocated, as provided in Appropriation Acts, to the Secretary of the Interior for use by Federal agencies or the Commonwealth of the Northern Mariana Islands to address immigration, labor, and law enforcement issues in the Northern Mariana Islands, including, but not limited to detention and corrections needs. The specific projects to be funded shall be set forth in a five-year plan for infrastructure assistance developed by the Secretary of the Interior in consultation with each of the island governments and updated annually and submitted to the Congress concurrent with the budget justifications for the Department of the Interior. In developing and updating the five year plan for capital infrastructure needs, the Secretary shall indicate the highest priority projects, consider the extent to which particular projects are part of an overall master plan, whether such project has been reviewed by the Corps of Engineers and any recommendations made as a result of such review, the extent to which a set-aside for maintenance would enhance the life of the project, the degree to which a local cost-share requirement would be consistent with local economic and fiscal capabilities, and may propose an incremental set-aside, not to exceed $2 million per year, to remain available without fiscal year limitation, as an emergency fund in the event of natural or other disasters to supplement other assistance in the repair, replacement, or hardening of essential facilities: *Provided further*, That the cumulative amount set aside for such emergency fund may not exceed $10 million at any time.

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Law 94–241 for use by Federal agencies or the Commonwealth to address immigration, labor or law enforcement activities. The report shall include but not be limited to—

(1) pertinent immigration information provided by the Immigration and Naturalization Service, including the number of non-United States citizen contract workers in the CNMI, based on data the Immigration and Naturalization Service may require of the Commonwealth of the Northern Mariana Islands on a semiannual basis, or more often if deemed necessary by the Immigration and Naturalization Service,

(2) the treatment and conditions of non-United States citizen contract workers, including foreign government interference with workers' ability to assert their rights under United States law,

(3) the effect of laws of the Northern Mariana Islands on Federal interests,

(4) the adequacy of detention facilities in the Northern Mariana Islands,

(5) the accuracy and reliability of the computerized alien identification and tracking system and its compatibility with the system of the Immigration and Naturalization Service, and

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The Commonwealth of the Northern Mariana Islands and the Immigration and Naturalization Service shall cooperate in the identification and, if necessary, exclusion or deportation from the Commonwealth of the Northern Mariana Islands of persons who represent security or law enforcement risks to the Commonwealth of the Northern Mariana Islands or the United States.

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(b) striking ''Guam, American Samoa'' in section 2 and inserting in lieu thereof ''Guam, the Commonwealth of the Northern Mariana Islands, American Samoa''; and

(c) striking ''Guam, the Virgin Islands'' in section 2 and inserting in lieu thereof ''Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands.''.

With respect to the Commonwealth of the Northern Mariana Islands, references to ''the date of enactment of this Act'' or ''date of enactment of this subsection'' contained in Public Law 93–435, as amended, shall mean the date of enactment of this section.

SEC. 7. ANNUAL STATE OF THE ISLANDS REPORT.

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DISTRICT OF COLUMBIA TRANSPORTATION PROJECTS

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 144, S. 1023.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1023) to authorize an increased Federal share of the costs of certain transportation projects in the District of Columbia for fiscal years 1995 and 1996, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. WARNER. Mr. President, I am pleased that the Senate is considering legislation today to allow the District of Columbia to move forward with transportation projects that are critically needed for the entire metropolitan Washington region.

I want to make clear to my colleagues that this legislation is consistent with the temporary match waivers that Congress has provided in 1975, 1982, and 1991. Under previous matching share waivers, 39 States have utilized this flexibility.

The legislation before the Senate is again a temporary waiver of the local matching share required before a State, or in this case the District of Columbia, can obligate Federal highway dollars. It is not a complete forgiveness of their financial obligation to provide a 20 percent match of these Federal dollars.

This legislation requires the District to repay these matching requirements by the end of fiscal year 1996—September 30. If the District fails to comply, their 1997 Federal highway apportionments will be reduced.

The legislation also requires that these Federal funds are to be used to maintain and upgrade National Highway System routes in the District, and other projects which the Secretary of Transportation determines to be important to the entire region.

Any other project the District decides to move forward with must be matched with local funds. In other words, this bill only temporarily waives the local match for those projects important to maintaining the District's most heavily traveled roads.

Mr. President, during the committee's consideration a provision was added to require the Department of Transportation to report to the Congress on those projects funded in 1995. This provision gives us further assurance that the District will properly use these funds on those most regionally significant projects. The committee has made clear that following a review of the use of the 1995 apportionments, if these funds were not allocated to worthy projects, then the committee will reconsider the waiver for fiscal year 1996.

These are the same roads which serve as the gateways to our Nation's Capital and are the major commuter arteries for the metropolitan region.

These are the same roads which contribute to the functioning of the Federal Government and serve the thousands of tourists from our States who travel here each year.

Mr. President, it is important to emphasize that this legislation is necessary to reduce congestion which plagues the entire region. The projects to benefit from this legislation are ones that compliment the transportation priorities of Virginia and Maryland, such as the 14th Street Bridge and Pennsylvania Avenue.

Also, I ask unanimous consent to have printed in the RECORD a copy of a letter from Virginia Secretary of Transportation Martinez placing Governor Allen's administration solidly in support of this legislation, and a letter in support from the distinguished Representative from the District of Columbia, Ms. NORTON.

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

COMMONWEALTH OF VIRGINIA,
OFFICE OF THE GOVERNOR,
July 7, 1995.

Hon. JOHN WARNER,
U.S. Senate, Russell Senate Office Building, Washington, DC

DEAR SENATOR WARNER: This letter is to provide the Commonwealth of Virginia's position on the proposed legislation to authorize the U.S. Secretary of Transportation to increase the federal share of certain highway projects in the District of Columbia for fiscal years 1995 and 1996. This legislation would in effect provide a temporary waiver of the local match for highway projects in Washington, D.C.

It is important for the economic health of Northern Virginia and the region to continue the development of critical transportation improvements. The regional projects that Virginia is working with the District include the 14th Street Bridge improvements and certain Intelligent Transportation System (ITS) projects.

Virginia supports this measure to allow the needed transportation projects to move forward this construction season and not delay much needed projects. If we can provide any additional information, please do not hesitate to call me.

Sincerely,

ROBERT E. MARTÍNEZ.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC. July 17, 1995.

Hon. ROBERT DOLE,
Majority Leader of the Senate, Washington, DC.

DEAR SENATOR DOLE: On July 11, the Senate Environment and Public Works Committee passed legislation, introduced by Senator John Warner, that would waive the local match of federal highway funds for the District of Columbia for FY 1995 and FY 1996. I write now to seek your assistance in getting this legislation through the Senate.

Without swift passage of this legislation in both chambers, before August 1, $82 million in FY 1995 apportioned monies and a similar amount in FY 1996 will be unavailable. It is essential to the economic health of the District and the region to repair the gateway streets used by regional commuters and 20 million visitors annually.

No new highway projects are planned this fiscal year in the District; nor have any bids been solicited over the past 18 months because the District's fiscal crisis has left the city unable to meet the matching funds requirement for federal monies. As you know, this federal money does not linger in the government bureaucracy but gets flushed right into the private sector when a city bids from private sector contractors to work on the projects.

The waiver in the Warner bill is based on precedents from P.L. 94–30 in 1975, P.L. 97–424 in 1982 and P.L. 102–240 in 1991. With the waiver, vital District projects to improve the major gateways into the city could proceed, aiding more tourists and commuters than D.C. residents, and providing desperately needed jobs and economic development for the city.

Please help.

Best personal regards.

Sincerely,

ELEANOR HOLMES NORTON.

Mr. WARNER. Mr. President, on a related matter, I would like to share with the Senate my longstanding interest in preserving the historic integrity of Constitution Avenue. This panoramic avenue has witnessed many landmark events in our Nation's history. It links the Lincoln Monument to the U.S. Capitol with many of the principal U.S. Government offices, national museums, and the National Gallery of Art gracing this historic avenue.

Unfortunately it has fallen into a serious state of disrepair. It has become a corridor overburdened with mobile street vendors.

Formerly known as B Street, it was renamed Constitution Avenue in 1913 and hosted President Franklin Roosevelt's inaugural parades. President Roosevelt was the first President to break with tradition and host his inaugural parade along Constitution Avenue rather than the formerly used routing along Pennsylvania Avenue.

Today I believe that the historic beauty of Constitution Avenue is marred by an increasing number of vendor vehicles permanently located along this corridor. These vendors create gridlock, as they scramble to park, during peak usage of this vital corridor. They distract from the intrinsic beauty and historic tradition of this corridor. Cannot the users and visitors to this great capitol city have one avenue free of commercial buildings and commercial vehicles?

I have shared these views with the Mayor of the District of Columbia, and I will continue to work for these goals.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the bill be considered and deemed read a third time, passed, and that the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

So the bill (S. 1023), was deemed read for a third time and passed, as follows:

S. 1023

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 ''District of Columbia Emergency Highway Relief Act''.

SEC. 2. DISTRICT OF COLUMBIA EMERGENCY HIGHWAY RELIEF.

(a) TEMPORARY WAIVER OF NON-FEDERAL SHARE.—Notwithstanding any other law, during fiscal years 1995 and 1996, the Federal share of the costs of a project within the District of Columbia described in subsection (b) shall be a percentage requested by the District of Columbia, but not to exceed 100 percent of the costs of the project.

(b) ELIGIBLE PROJECTS.—A project referred to in subsection (a) is a project—

(1) for which the United States—

(A) is obligated to pay under title 23, United States Code, on the date of enactment of this Act; or

(B) becomes obligated to pay under title 23, United States Code, during any portion of the period beginning on the date of enactment of this Act and ending on September 30, 1996; and

(2) that is—

(A) for a route proposed for inclusion in the National Highway System; or

(B) of regional significance (as determined by the Secretary of Transportation);

with respect to which the Mayor of the District of Columbia certifies that sufficient funds are not available to pay the full non-Federal share of the costs of the project.

(c) REPAYMENT.—

(1) OBLIGATION TO REPAY.—Not later than September 30, 1996, the District of Columbia shall repay to the United States, with respect to each project for which an increased Federal share is paid under subsection (a), an amount equal to the difference between—

(A) the amount of the costs of the project paid by the United States under subsection (a); and

(B) the amount of the costs of the project that would have been paid by the United States but for subsection (a).

(2) DEPOSIT OF REPAID FUNDS.—A repayment made under paragraph (1) with respect to a project shall be—

(A) deposited in the Highway Trust Fund established by section 9503 of the Internal Revenue Code of 1986; and

(B) credited to the appropriate account of the District of Columbia for the category of the project.

(3) FAILURE TO REPAY.—

(A) DEDUCTIONS.—If the District of Columbia fails to make a repayment required under paragraph (1) with respect to a project, the Secretary of Transportation shall deduct an amount equal to the amount of the failed repayment from funds appropriated or allocated for the category of the project for fiscal year 1997 to the District of Columbia under title 23, United States Code.

(B) REAPPORTIONMENT.—Any amount deducted under subparagraph (A) shall be reapportioned for fiscal year 1997 in accordance with title 23, United States Code, to a State other than the District of Columbia.

SEC. 3. REPORT TO CONGRESS.

Not later than November 1, 1995, and November 1, 1996, the Secretary of Transportation shall prepare and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing—

(1) each project within the District of Columbia for which an increased Federal share has been paid under section 2;

(2) any specific cause of delay in the rate of obligation of Federal funds made available under section 2; and

(3) any other information that the Secretary of Transportation determines is relevant.

ORDERS FOR FRIDAY, JULY 21, 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 a.m. on Friday, July 21, 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 that the Senate then immediately begin consideration of H.R. 1817, the military construction appropriations bill.

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

PROGRAM

Mr. HATFIELD. Mr. President, for the information of all Senators, under the previous order, the Senate will resume consideration of the MILCON appropriations bill at 9 a.m. tomorrow. Also, under the unanimous consent agreement entered into earlier this evening, the Senate will resume consideration of the rescissions bill at 10:20 tomorrow morning. Under that agreement, there will be approximately 40 minutes of debate remaining on the bill. Following that debate, at approximately 11 a.m. the Senate will proceed to vote on a motion to table the first Wellstone amendment. That vote may be followed by an immediate vote on the motion to table the second Wellstone amendment to be followed by a vote on passage of the rescissions bill.

All Senators should, therefore, be aware that rollcall votes will occur throughout Friday's session of the Senate.

RECESS UNTIL 9 A.M. TOMORROW

Mr. HATFIELD. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 11:27 p.m., recessed until tomorrow, Friday, July 21, 1995, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate July 20, 1995:

DEPARTMENT OF STATE

JAMES A. JOSEPH, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SOUTH AFRICA.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR PROMOTION IN THE REGULAR AIR FORCE OF THE UNITED STATES TO THE GRADE OF BRIGADIER GENERAL UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be brigadier general

COL. WILLIAM J. DENDINGER, 000–00–0000

IN THE ARMY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. JOHN P. OTJEN, 000–00–0000

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624:

To be permanent major general

BRIG. GEN. ROBERT W. ROPER, JR., 000–00–0000
BRIG. GEN. EDWARD L. ANDREWS, 000–00–0000
BRIG. GEN. DAVID K. HEEBNER, 000–00–0000
BRIG. GEN. MORRIS J. BOYD, 000–00–0000
BRIG. GEN. ROBERT R. HICKS, JR., 000–00–0000
BRIG. GEN. STEWART W. WALLACE, 000–00–0000
BRIG. GEN. JAMES M. WRIGHT, 000–00–0000
BRIG. GEN. CHARLES W. THOMAS, 000–00–0000
BRIG. GEN. GEORGE H. HARMEYER, 000–00–0000
BRIG. GEN. JOHN F. MICHITSCH, 000–00–0000
BRIG. GEN. LON E. MAGGART, 000–00–0000
BRIG. GEN. HENRY T. GLISSON, 000–00–0000
BRIG. GEN. THOMAS N. BURNETTE, JR., 000–00–0000
BRIG. GEN. DAVID H. OHLE, 000–00–0000
BRIG. GEN. MILTON HUNTER, 000–00–0000
BRIG. GEN. JAMES T. HILL, 000–00–0000
BRIG. GEN. GREG L. GILE, 000–00–0000
BRIG. GEN. JAMES C. RILEY, 000–00–0000
BRIG. GEN. RANDALL L. RIGBY, 000–00–0000
BRIG. GEN. DANIEL J. PETOSKY, 000–00–0000
BRIG. GEN. MICHAEL B. SHERFIELD, 000–00–0000
BRIG. GEN. JAMES C. KING, 000–00–0000
BRIG. GEN. JOSEPH G. GARRETT, III, 000–00–0000
BRIG. GEN. LEROY R. GOFF, III, 000–00–0000
BRIG. GEN. DANIEL G. BROWN, 000–00–0000
BRIG. GEN. WILLIAM P. TANGNEY, 000–00–0000
BRIG. GEN. CHARLES S. MAHAN, JR., 000–00–0000
BRIG. GEN. JOHN J. MAHER, III, 000–00–0000
BRIG. GEN. LEON J. LAPORTE, 000–00–0000
BRIG. GEN. CLAUDIA J. KENNEDY, 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 618, 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICER IDENTIFIED WITH AN ASTERISK IS ALSO BEING NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY.

MEDICAL CROPS

To be lieutenant colonel

*JOHN D. PITCHER, 000–00–0000

MEDICAL CORPS

To be major

RAY J. RODRIGUEZ, 000–00–0000

IN THE NAVY

THE FOLLOWING-NAMED U.S. NAVAL ACADEMY GRADUATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

KYUJIN J. CHOI, 000–00–0000
WILLIAM D. DAY, 000–00–0000
JASON W. HAINES, 000–00–0000
MURZBAN F. MORRIS, 000–00–0000

EXTENSIONS OF REMARKS

AMERICAN LONGSHOREMAN JOBS

HON. LINDA SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Mrs. SMITH of Washington. Mr. Speaker, I take the well of the House today to talk about American longshoreman jobs that are being needlessly lost. The Secretary of State is charged with compiling a list of countries who reciprocate with the United States in allowing their longshoremen work while in a host port. That list is fatally flawed.

The Government Accounting Office [GAO] has been very critical of the Secretary of State for the manner in which the State Department compiled its reciprocity list. A better analysis of the situation and the rendering of a new list, as required by law, would keep potentially large numbers of American longshoremen jobs from being lost. Currently, the work product of the Secretary of State has led to opportunities for crew members aboard foreign commercial vessels to perform longshore work in American waters. The potentially high job losses caused by the Department of State's misinterpretation of Congress' intent to protect American longshore jobs could be disastrous for our workers.

According to my esteemed colleague, the senior Senator from Washington State, SLADE GORTON, the Department of State's misinterpretation of the reciprocity law ''may open the door to allowing more foreign crewmen to perform longshore work in the U.S.'' I agree with Senator GORTON. Now is not the time to allow more American jobs to flow overseas, certainly not at the hand of our own State Department and certainly not contrary to the intent of Congress.

Now is the time for the Secretary of State to revisit the reciprocity issue and consider the GAO's recommendation to evaluate industry practices and collective bargaining agreements which reserve longshore work exclusively for foreign crews. Starting in the 1980's, foreign ship owners began to tie up their ships and load logs using their own crews. Before the 1980's, this work had always been reserved for American longshoremen. The U.S. Court of Appeals for the Ninth Circuit upheld the International Longshoremen's and Warehousemen's Union position that this practice violated several Immigration and Naturalization Service [INS] regulations. Still, this practice goes unchecked by our State Department despite the intent of Congress to rectify this situation.

Mr. Speaker, we don't need another legislative answer to this problem. Congress has already addressed this issue by passing bi-partisan amendments to the Immigration and Naturalization Act which affirmed the rights of American waterfront workers. What we need today is action by the Secretary of State in reviewing the list of countries who grant reciprocity to American longshoremen and publish a new list which is fair to the American worker.

I ask all my colleagues who value the sanctity and preservation of American jobs to urge the Secretary of State to review the reciprocity list and preserve the intent of Congress to keep American jobs from needlessly being lost to foreign crew members.

FAIR TAX TREATMENT FOR HARD APPLE CIDER

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Mr. NEAL. Mr. Speaker, today Congressmen ENGLISH, HOUGHTON, and I are introducing legislation that will provide fair tax treatment for hard apple cider. The purpose of this legislation is to clarify the tax treatment of draft cider.

Under current law, draft apple cider is taxed at a much higher rate than beer despite the fact the two beverages have a similar alcohol level. Hard apple cider is taxed as wine and is subject to a tax of $1.07 per wine gallon. Whereas, beer is subject to a tax of 22.6 cents per gallon.

Hard apple cider has an alcohol level below 7 percent and this is much lower than the alcohol level of beer. Also, beer and hard apple cider are packaged and marketed in a similar fashion. Hard apple cider is becoming a popular alternative to beer.

This legislation will tax apple cider at the same rate as beer. The Joint Committee on Taxation has estimated this legislation would cost $5 million over 5 years. This small tax change would allow hard apple cider producers to compete fairly with beer. The current tax prohibits many apple growers from producing cider. Apple growers and producers in our districts would prosper because hard apple cider is made from culled apples, the least marketable apples.

Senator LEAHY is introducing companion legislation. I urge you to cosponsor this legislation which will provide equity to the draft cider industry.

SHRINERS HOSPITALS HONORED WITH PRESTIGIOUS NOVA AWARD

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Mr. ROGERS. Mr. Speaker, the Shriners Hospitals for Crippled Children have always been recognized for the quality medical care they deliver in their 22 orthopaedic and burn hospitals located throughout North America. Recently, I was pleased to learn that the Shriners Hospitals have been honored for their latest initiative as the 1995 recipient of the prestigious NOVA Award sponsored by the American Hospital Association.

Since being founded almost 75 years ago, the Shriners Hospitals have been providing completely free care to their young patients without any Government payments, any insurance payments or payments from any third party. All expenses are covered through the generosity of the American people.

The Shriners Hospitals have received the 1995 NOVA Award for their innovative CHOICES program. CHOICES is the acronym for Children's Health Care Options Improved through Collaborative Efforts and Services, and it represents a new era of public-private partnership in the delivery of health care services.

Launched in 1988 at the Shriners Hospital in Lexington, KY, in collaboration with the Kentucky Commission for Children with Special Health Care Needs, the CHOICES program coordinates the care of special needs children to avoid duplication of services for some and lack of care for others.

CHOICES helps to fill this gap in services through facilitated referrals and coordinated care between the Shriners Hospitals and community-based government providers. At the conclusion of CHOICES' Phase I, 4 Shriners Hospitals and 10 State programs were participating in the partnership. Phase II will involve six more Shriners Hospitals and the States that they serve.

The CHOICES program stands as an example of the type of creative, comprehensive response we need to meet the challenges of health care delivery for the 21st century. I am proud to congratulate the Shriners Hospitals for their forward looking approach and for their seven decades of commitment to the special children they serve.

TRIBUTE TO EDWIN L. ZEHNDER

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to honor a man who has devoted much of his life to helping and brightening the lives of others. On July 25, Mr. Edwin Zehnder will celebrate his 75th birthday. On this historic day, citizens of Frankenmuth will also celebrate the vast contributions which Edwin has made to his community.

Since 1965, Edwin and his wife, Marion, have been the proprietors of Zehnder's of Frankenmuth restaurant, one of the most famous and top 10 independent restaurants in total sales in the United States. Throughout the century, the Zehnder family has maintained its commitment to friendly service and the best oven-roasted chicken in Michigan.

In the three decades that Edwin has run Zehnder's, he has taken the Michigan landmark created by his father, William, and expanded it into the largest tourist location in Michigan's historic Frankenmuth. The 84,000-square-foot restaurant now accompanies a retail gift store, a retail food store, and a bakery.

Vacationers from around the country have stopped at world-famous Zehnder's for a sample of the outstanding cuisine and festive atmosphere.

Edwin's commitment to community service does not stop at the doors of his Frankenmuth restaurant. Edwin and Marion have remained active in their community and their church for years. As owner of one of the greatest tourist spots in Michigan, Edwin has spent his career making contributions to the State's hospitality-tourism industry.

Mr. Speaker, Edwin's dedication to his community, his family, and his business have served over the years as an inspiration to all who know him. I know you will join my colleagues and I in wishing Mr. Edwin Zehnder a happy and healthy 75th birthday. May his future be marked with continued success.

INTRODUCTION OF THE FEDERAL SERVICE PRIORITY PLACEMENT PROGRAM ACT OF 1995

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Ms. NORTON. Mr. Speaker, today I am introducing the Federal Service Priority Placement Act of 1995. This bill directs the Office of Personnel Management [OPM] to establish a governmentwide interagency placement program for Federal employees affected by reductions-in-force [RIFs]. I believe that the immediate enactment of this legislation is essential to respond to the needs of employees who, through no fault of their own, will be adversely affected by the massive downsizing of the work force ordered in the Federal Workforce Restructuring Act of 1994 (P.L. 103–226) and increased under the recently passed budget resolution for fiscal year 1996. Recall that no plan or rationale that matched the number of employees to be eliminated with the administration's National Performance Review efficiency objectives was ever offered. Indeed, the number kept changing, going from initially 100,000, then to 272,900, and will undoubtedly go even higher under the new Congress, giving the downsizing the appearance of deficit reduction without efficiency goals. As such, RIF's may well be inevitable in the future, notwithstanding the widespread use of buyouts by Federal agencies.

The purpose of the legislation is to ensure that the Federal Government selects its own displaced employees over outside hires when filling vacant positions. RIF'ed employees are a valuable resource of dedicated civil servants in whom the Government has invested training and knowledge. It is in the Government's best interest to take advantage of the continued positive contribution these employees can make rather than to discard the Government's investment and start all over with new hires. We will not achieve a government that works better and costs less if the talents and energies the government has helped to produce are not rechanneled where they are needed in the government. The Federal Service Priority Placement Program Act of 1995 would facilitate the placement of RIF'ed employees at other agencies by requiring that those agencies with vacant positions within RIF'ed employees' commuting areas offer jobs to such qualified employees first.

Last fall OPM launched its new Interagency Placement Program [IPP], an initiative that combines the old Displaced Employee Program and the Interagency Placement Program. I believe that the new IPP is sure to be as ineffective as the two programs it replaced because OPM only refers registrants for vacancies to be filled by competitive appointment. Most important, agencies need only consider, and are not required to hire qualified OPM referrals. Agencies can avoid hiring the RIF'ed employee by simply filing an objection with OPM. In the context of the most extraordinary downsizing in the Federal Government's history, this hardly seems fair to qualified employees RIF'ed to satisfy an undocumented quota having nothing to do with their own qualifications or record of service.

A 1992 GAO study makes clear that a clear and direct statutory mandate that agencies give RIF'ed employees a mandatory hiring preference over outside job applicants is warranted. Otherwise, it is not at all clear that agencies will voluntarily give up their prerogative under the existing OPM placement program to reject displaced workers and hire whoever they want to fill vacant positions.

The President's National Partnership Council, a new Federal labor-management organization, has likewise recognized the need for the Federal Government, in the midst of such massive downsizing, to be more activist in trying to place displaced employees. In a July report, the Council advocated a governmentwide placement policy that gave displaced or RIF'ed employees priority over outside hires. Similarly, in an NPR draft report entitled the ''Federal Human Resource Management Reinvention Act of 1995,'' the administration endorses requiring agencies to give their own displaced employees and displaced employees from other Federal agencies placement priority over new outside hires.

The Federal Service Priority Placement Act of 1995 protects the Federal Government's sizable investment in personnel training and education while accomplishing the goal of governmentwide downsizing in the most orderly and humane fashion.

RADIO CITY MUSIC HALL ROCKETTES CELEBRATE 70TH BIRTHDAY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Mrs. MALONEY. Mr. Speaker, I rise today to honor the 70th birthday of the Radio City Music Hall Rockettes. Over its 70 year existence, the Rockettes have contributed greatly to the richness of culture in New York City, the country at large, and throughout the world.

When formed in 1925, the Rockettes were first known as the Missouri Rockets, Russell Markert's Girls, or the Roxyettes. Since 1934, the now-famous dance troop changed its name to Radio City Music Hall Rockettes and has called New York its home ever since.

Through the Roaring Twenties and the Great Depression, two world wars, and through the social, economic, and political upheavals of the past four decades, the Rockettes have endured. For many people, the Rockettes have come to symbolize a part of the American dream. Generations of young dancers from small towns to the largest cities have wanted to become a part of the Rockettes.

Moreover, the Rockettes have evolved into an American icon recognized throughout the world. At the invitation of the French Government, they represented the United States in the 1937 Paris Exposition Grand Prix and won. Since then, the Rockettes have entertained millions of people performing not only at Radio City, but also entertaining our military troops, visiting international dignitaries, and heads of state and U.S. Presidents. In addition, they have also performed for several benefit groups, including the Heart Association, International Human Rights, and the Peter Allen AIDS Foundation.

The Rockette Alumnae Association is a not-for-profit organization whose membership of over 400 former Rockettes represents the seven continuous decades of working American women who have shared in the history of this uniquely American institution. A special anniversary celebration sponsored by the alumnae is scheduled for August 5, 1995, at the Plaza Hotel in New York City. Funds raised in this event will be donated to the Julliard School of Music, where the school's first dance scholarship was established and endowed by the Rockette Alumnae in the name of its founder, Russell E. Markert.

Mr. Speaker, the Rockettes' contribution to the cultural history of America is as broad as the many women who have been with the dance troop, and the millions of people who have attended its shows. I ask my colleagues to join me in saluting the Radio City Music Hall Rockettes on their 70th birthday, and wish them success as they continue enriching our lives into the 21st century.

TRIBUTE TO HERMAN O. WILEY, M.D.

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Mr. PALLONE. Mr. Speaker, I rise to pay tribute to the late Herman O. Wiley, M.D., of Red Bank, NJ, who passed away last month.

Dr. Wiley was born on June 12, 1912, in the Bronx, NY, the only son of William and Ethel Wiley. He was educated in the public schools of New York and was a graduate of Virginia State University, where he met and married Maeble Harston Wiley, his devoted and loving wife of 60 years. He subsequently attended and graduated from Howard University Medical School. Dr. Wiley was a veteran of World War II, and served as a captain in the Medical Corps of the U.S. Army in Italy and North Africa.

A long-time resident of Red Bank, Dr. Wiley was elected to and served on the Red Bank Board of Education for 18 years. He was also active and held office in numerous civic and social organizations, and received many awards and commendations for his devoted service to his community. Among the awards were Alpha Phi Alpha Fraternity's Regional Man of the Year award, a Distinguished Service award of the Red Bank NAACP and the Westside Ministerium, and an award as Man of the Year from the Kiwanis Club. He was a

charter member of Zeta Episolon Lambda Chapter of Alpha Phi Alpha Fraternity and a member and past president of the Red Bank Men's Club. He was also a member of the National Guardsmen, Inc., and a member of the H.M. Club of America. He was a member of the New Jersey Medical Association and the American Medical Association and was formerly affiliated, before his retirement in 1994, with Monmouth Medical Center, Long Branch, NJ, and Riverview Medical Center, Red Bank, NJ.

Mr. Speaker, it is a great honor for me to pay tribute to Dr. Wiley, a patriot who served his country with distinction during a time of war, and then came home and continued to serve our society in many ways; as a physician, a leader in community affairs and as a devoted husband and father. He will be missed deeply by his family, friends, colleagues and by our entire community.

INTRODUCTORY STATEMENT ON R.S. 2477

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Mr. HANSEN. Mr. Speaker, I am introducing legislation that would once and for all resolve the issue known as RS 2477 right-of-ways across Federal lands. RS 2477 right-of-ways provide the rural West access across the expanses of Federal lands in the West. For 110 years, counties, cities, States, and individuals were allowed to establish necessary right-of-ways across Federal lands to provide travel routes between towns, to schools and to homes. In 1976, Congress terminated this ability to establish new right-of-ways but failed to provide the mechanism to adjudicate the established routes. My legislation is a reasonable and efficient way to resolve the thousands of RS 2477 right-of-way claims that exist in the West.

In 1866, Congress promoted the settlement and use of western lands be enacting R.S. 2477, a self-executing, open-ended grant of right-of-ways across public lands. The grant acted as an offer. Where the public accepted the offer, property rights became vested in the holder. The rights were severed from the public domain and are entitled to the same protection as any other property that is not owned by the Federal Government.

RS 2477 simply states:

> And be it further enacted, That the right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted.

While the language of the grant and the legislative history accompanying the grant may be sparse, the purpose of the grant is not in doubt. As Senator Steward stated, ''The mineral lands must remain open and free to exploration and development. * * * It would be a national calamity to adopt any system that would close that region to the prospector.'' The grant was a crucial element of Congress' scheme to settle the public lands of the West. Access rights were needed across the vast Federal domain to accommodate Congress' goals of economic progress in the West. RS 2477 helped achieve those goals.

In short, the West grew up around these right-of-ways. They made it possible for one settlement to communicate and trade with another. They made it possible for citizens to legally traverse the broad expanse of public lands in order to interact with the rest of the forming Nation. It is no wonder, then, that courts have commented that revocation of RS 2477 rights would make Congress' original act ''a delusion and a cruel and empty vision.''

Secretary Babbitt currently has pending regulations that would lead to the closure of thousands of right-of-ways across the West that would cripple our ability to travel, engage in commerce, or access our property. My legislation will resolve these issues in a fair and equitable fashion. I urge my colleagues to support this measure.

PERSONAL EXPLANATION

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Mr. HORN. Mr. Speaker, due to the fact that I was unavoidably detained at a meeting and missed the rollcall on the Chenowith amendment to the Treasury appropriations bill, had I been present for rollcall Vote No. 532, I would have voted ''nay'' against the proposal which sought to prohibit use of funds to provide bonuses or any other merit-based salary increase for any employee of the Bureau of Alcohol, Tobacco and Firearms.

RECOGNITION OF THE 200TH ANNIVERSARY OF THE HEBREW CONGREGATION LOCATED IN ST. THOMAS, VI

HON. VICTOR O. FRAZER

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Mr. FRAZER. Mr. Speaker, on behalf of the people of the U.S. Virgin Islands, I would like to share with the Members of this body, and the people of this country, a distinction of which we are proud but a fact that is little known to most of our fellow Americans, namely that the Hebrew Congregation of St. Thomas, VI proudly boasts that it is the oldest synagogue building in continuous use under the American flag.

In 1976, a small Jewish community of St. Thomas founded the congregation and called it Blessing and Peace. Comprised of only nine families in 1801, the congregation increased to 22 with the arrival of Jewish settlers from England, France, St. Eustatius, and Curacao in 1803. In 1804, the small synagogue was destroyed by fire and was not replaced until 1812. This thriving congregation continued to grow, and in 1823 the building was dismantled and a larger one erected and renamed ''Blessing and Peace and Loving Deeds,'' the Hebrew name it carries to this day. This structure was built in the city of Charlotte Amalie on one of the city's historical landmarks known as Synagogue Hill; it is here the current synagogue stands.

In 1831, the congregation, which by now numbered 64 families, witnessed a citywide fire which destroyed the synagogue. This dedicated and closely knit congregation rebuilt and reconsecrated their synagogue in 1833. The entire island community, along with assistance from the worldwide Jewry, assisted in this noble undertaking. The lovely synagogue is still actively used today by over 200 families and is the only synagogue on the island of St. Thomas. Since the doors of the synagogue opened in 1833, there has always been a weekly Shabbat Service. Our synagogue also has the distinction of holding the first confirmation ceremony for Jewish youth ever in the Western Hemisphere. This monumentous event took place on October 14, 1843.

In 1850, the congregation numbered between 400 and 500 members and the King of Denmark sanctioned and approved a constitution for the Kehilla community. This code of law governed the Jewish community, regulated its membership dues, and established its voting procedures with great precision. Members of the Jewish community held offices of trust and honor on St. Thomas. This period of Jewish activity on St. Thomas was significant and can only be equaled by the present day accomplishments.

Everything in the synagogue is original and dates back to 1833. The benches, the Ark, and the bima are all made of mahogany wood which flourished on the island, but were decimated through overuse by the lumber industry. The chandeliers are from Europe. The lamps are made of Baccarat crystal. The peripheral chandeliers have since been electrified, but the central ones are still lit by candles on important holidays. The walls are specially designed to be hurricane proof, as are the windows. They allow for the free passage of air while blunting the force. The stones are locally quarried, but the bricks come from Europe. The huge sailing ships that arrived from Spain, Portugal, England, Holland, and Denmark had relatively little to sell in the Virgin Islands, and so, filled the hulls of the ships with bricks to be used as ballast. Once they arrived in the islands, the bricks were unloaded and used for local building needs while the ships took back to Europe the locally produced rum and sugar. The cement that holds the bricks together is a mortar made from sand, limestone, and molasses. It is said that in earlier years, children used to lick the walls of the synagogue to taste the sweet molasses. The four pillars that support the building symbolize the four matriarchs in Judaism; they are Sarah, Rachel, Rebecca, and Leah. These pillars, like those at the entrance to the building, were handmade in Denmark from rounded bricks especially for the synagogue.

Another unusual feature of the synagogue is the sand floor. Legend tells us that it is symbolic of the desert through which Moses and the children of Israel wandered for 40 years. The more acceptable explanation had to do with the fact that this was originally a Sephardic orthodox community. During the Spanish Inquisition, when Catholic Spain persecuted all other religions and forcibly converted them to Catholism, the Jews were forced to practice their religion in the privacy of their home. This was an offense punishable by death. Since religious worship had to be performed in secrecy, they met in cellars and used sand on the floor to muffle the sound of their prayers.

Our beautiful synagogue is a gem in the midst of the Caribbean. Visitors of all faiths experience wonder and awe when standing within its simple and stately interior. On behalf of the Hebrew congregation of St. Thomas

and the people of the Virgin Islands, I invite you, Mr. Speaker, my colleagues, and my fellow Americans to visit this treasure in the American paradise, and join us in celebrating the bicentennial of this national treasure.

WESTERN PAPERS DECRY ATTACKS ON RESOURCE AGENTS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Mr. MILLER of California. Mr. Speaker, we are all familiar with the rhetoric of the special interests who benefit from public resources—mining companies, subsidized irrigators, timber companies, coal companies. We hear the same inflated rhetoric from the leaders of the media, county rights, property rights, and Western movements:

> The government is threatening our property; the government is controlling our land; the government is conspiring to take away our liberties.

And, moreover, we are told that these allegedly anti-Western actions are promoted by Eastern elites who just don't understand the Western way of life.

The fact is that vigorous defense of our public resource and environmental protection laws is spread throughout the West and the Southwest just as it is through every other region of the country. People in Utah and Montana, California and Oregon, Idaho and Arizona are just as outraged by our giving away of billions of dollars to international mining corporations as people in New York and Florida. They are just as angered by the billions we waste on subsidized forest practices or irrigation subsidies.

The so-called Western voices we hear, in many cases, are the voices of anti-government extremists and the free-enterprise spouting but publicly subsidized corporations that are conspiring to destroy sound management practices.

No aspect of the extremist assault on the environment is more outrageous than the growing threats, intimidations and assaults on law enforcement officials who defend public resources and the people who use them. This House just voted to cut law enforcement funds for the Bureau of Land Management, on whose lands more than 12,000 crimes occurred last year. We have been unable to secure formal hearings in the Judiciary and Resources Committees on the issues of militias and attacks on Federal law enforcement officials. So, the attacks go on, the threats go on, and the Republican leadership of the Congress turns a deaf ear—or worse—to this scandalous behavior.

Now, Mr. Speaker, the fact is that people in the West do not share the extremist analysis or the extremist agenda. As usual, it is a tiny fraction of people who, for whatever misguided reason, have decided that the government is the enemy. Large numbers of Western Members of the House have joined us in passing legislation to protect the environment and to reform resource policy as recently as last year.

The reason is that westerners don't like to see their lands desecrated or their resources exploited any more than southerners or easterners. If you're a taxpayer living in Boise or Billings, or Salt Lake, or Seattle, you're every bit as outraged as the hundreds of millions of dollars with which we subsidize grazers, or irrigators, or mining companies. People are moving to these Western areas because they treasure the land and want it preserved, not opened up, blown up and peeled back in the relentless search for private profit.

I want to insert into the RECORD a recent editorial from the Seattle Times-Intelligencer, a distinguished Western newspaper, that speaks eloquently to these issues. I am also including an editorial from the San Francisco Examiner and Chronicle that speaks to the obsession of the Republican leadership with the Waco shootout but its seeming indifference to the threats to public officials.

[From the Seattle Post Intelligencer]

RISING TO THE DEFENSE OF FEDERAL LAND AGENTS

A member of Congress finally has stood up to defend federal land managers in the West who have been under attack from extremists who imagine that they are above the law.

Rep. George Miller, D-Calif. has called for Congress to examine what can be done about the rising tide of violence against government officials who are discharging their legal duties. He rightly chastised Western congressional colleagues who carelessly ''legitimize'' their paranoid fringe constituencies.

Violence toward and intimidation of federal officials is simply unacceptable, and no member of Congress should be in the business of appearing to indulge it.

Officials of the Forest Service, Fish and Wildlife Service, Bureau of Land Management and National Park Service all report instances of violent acts and threats against their employees. The BLM has been bombed in Nevada, and guns have been drawn on national park rangers and fish and wildlife agents, Miller said.

Miller said the Western lawmakers most guilty of providing a small group of extremists ''the political space to continue the attacks'' are Sen. Larry Craig, R-Idaho, who recently advocated taking guns away from law officers on federal lands; Rep. Helen Chenoweth, R-Idaho, for stating that citizens have good reason ''to be afraid of their government,'' and Rep. Barbara Vucanovich, R-Nev., who suggested that federal officials can avoid having guns drawn on them by ''exhibiting sensitivity.''

All of those lawmakers ought to know better. They deserve condemnation, not to mention a generous dose of ridicule, for their irresponsible statements.

Miller also found fault with House Speaker Newt Gingrich's fulsome remark that ''The thing Easterners ought to understand . . . is that there is across the West a genuine sense of fear of the federal government. This is not an extremist position in much of the West.''

We beg to differ, Mr. Speaker. If there is any genuine sense of fear across the West, it's a fear of lawless lunatics, not of the duly sworn agents of representative democracy.

''Will the speaker next rise with words of sympathy for the 'genuine fear' felt by the Bloods and the Crips, by the Aryan Nation and by the Ku Klux Klan?'' Rep. Patricia Schroeder, D-Colo., asked in a floor speech.

It is indeed ''irrational,'' as Miller contends, to suggest that the federal government should retreat from its duties because of the paranoid delusions of a few frustrated citizens who fantasize that fish and wildlife agents are the vanguard of a tyrannical New World Order.

[From the San Francisco Examiner and Chronicle, July 16, 1995]

WHACKED OUT ON WACO—THE ONLY CONSPIRACY HOUSE REPUBLICANS WILL FIND IN HEARINGS ON THE BRANCH DAVIDIAN SIEGE IS THEIR OWN: TO GET THE PRESIDENT

If you believe this week's hearings into the 1993 Waco disaster will ferret out the truth, you might as well join the National Rifle Association, become a survivalist and move to Montana.

The hearings, called by House Republicans to investigate the siege of the Branch Davidian compound and its conclusion by holocaust, aren't about law enforcement. They're about politics.

They seek to embarrass President Clinton and butter up those increasingly visible radical right wingers who believe in the black helicopters and buy into the theory that maintenance marks on Indiana road signs are really secret codes for invading United Nations troops.

It's really too bad the Rev. Jim Jones isn't around to tell the House ''probers'' how he was harassed by government agents and forced to dispense poisoned Flavor-Aid to more than 900 of his followers in the Guyanese jungle. Just like David Koresh, Jones oozed phony charisma, stockpiled weapons and kept his enslaved and soon-to-be-slaughtered followers, including children, in brainwashed thrall.

The truth about Jonestown is that Jim Jones was a mass murderer.

The truth about Waco is that Koresh was a mass murderer. He gave the orders to start shooting when federal agents showed up in February 1993, resulting in a bloodbath. And he gave the orders to incinerate four score of his followers 51 days later when agents started to knock down the walls of his hypocrisy.

The feds made serious mistakes—but they were acting at all times to save lives, not snuff them out. After the final raid, Attorney General Janet Reno became a folk here because she shouldered the blame. But she relied on bad information: There was no evidence children were being abused inside the compound. A September 1993 Treasury Department report—thicker than the San Francisco telephone white pages—details the bad decisions. Heads rolled, and policies changed.

Preoccupied with elections and its ''Contract With America,'' the GOP couldn't get to oversight until now. The grotesque irony is that these congressional hearings take place when the terror of the Oklahoma City bombing is still in people's bones. How can House Republicans skip over the murder of 168 innocent Americans in order to dredge up ghosts of Waco?

Politics conquers all.

Incidentally, David Koresh is not the optimal Republican poster boy.

The hearings we need would inquire into real enemies: the paramilitary groups of disillusioned, disaffected souls who pose a threat to American values and lives. The Oklahoma City bombers—perhaps acting to ''avenge'' Waco—demonstrated the danger. Law-abiding citizens are, and ought to be, scared stiff of these gunslinging conspiracy nuts.

In a sense, the Waco hearings provide cover for a new-found right to hate government. The motto becomes: ''Don't tread on me—or I'll blow you up,'' Great stuff to stamp with a congressional seal.

Congress isn't famous for consistency. Still for budget whackers, this bunch sure can spend the bucks on show hearings.

Instead of this ox goring—if we must indulge the inbred cousins of James Watt who wind up in Congress—let's throw a big, old-fashioned ox roast. Guests can eat the beast, chug Coors beer, listen to Pat Boone, snip a

little barbed wire, shoot targets in the head and maybe do a little strip mining. Everybody goes home fat and happy instead of hot to put a bullet through the first federal agent they run across.

Consider it Wise Use.

BANNING FLAG BURNING; ''EXTINGUISHING LIBERTY''

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Mr. SERRANO. Mr. Speaker, unaccustomed as I am to quoting Cal Thomas, I would like to share his column on amending the U.S. Constitution to allow prohibitions on burning the American flag with my colleagues. The article, from the May 6 issue of World magazine, follows:

EXTINGUISHING LIBERTY

Watching the Fourth of July festivities in Washington (and around the country on television) showed the depth of love most Americans have for this country. That is why a constitutional amendment to ban the burning of the American flag is so silly, stupid and unnecessary.

No one forced the millions of people waving flags—who respect and honor the republic for which it stands—to love America. They exhibited a spontaneity no law can impose. When the House last month passed a constitutional amendment that would, should the Senate and states concur, outlaw flag burning, it continued a game politicians have been playing with public school prayer. The rules of the game are that the social problems confronting America can be fixed from the top—a kind of ''trickle-down'' morality.

Politicians love this because they have done much to promote such a view, which advances their careers and preserves their jobs. Many others hold this belief because it absolves them of responsibility for fixing what is wrong with their own priorities and transfers it to government. And when government increasingly reveals its inability to repair social damage, we blame not ourselves but government and politicians, deepening the cynicism against institutions and those who work in them.

There hasn't been a lot of flag burning since the Vietnam War. Sen. Howell Heflin (D-Ala.) says that's why now, with the heat of passion reduced, is the best time to ban it.

But any time is a bad time for such a ban. First, what constitutes a ''flag''? Is it only the cloth that waves from a flagpole or can it be one that is stapled to a wooden stick? Is the reproduction of the Stars and Stripes on a napkin, patch, or coffee cup considered a flag? Some flags are made in Taiwan or in other nations. Would they count as American flags? I saw a chair upholstered in a flag. If the chair was thrown on a bonfire during a protest rally, would that violate the proposed constitutional amendment? And why is burning being singled out for prohibition? What about stomping, spitting or pouring paint on the flag?

Those who would ban flag burning have placed the American flag in a category and context that is idolatrous. Idolatry is defined as ''the worship of a physical object as a god; immoderate attachment or devotion to something.'' While we don't worship or devote ourselves to the flag as we might be a religious symbol or being, the attachment some would force on the rest of us comes pretty close to resembling that definition.

The Fourth of July overwhelms us all with the number of displayed and waved American flags. As with speech, the best way to overcome the ugly variety is with more and more beautiful speech, along with a common rejection of the ugly speaker and his words. When a flag is burned, it is the protester, not the flag, who is demeaned. He reveals his base ingratitude when he burns a symbol of a nation great enough even to allow him to indulge in moronic behavior.

Banning flag burning will increase the probability flags will be burned. Allowing it removes the political stinger.

FREEDOM OF THE PRESS IN RUSSIA—AN ISSUE OF HIGHEST PRIORITY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Mr. LANTOS. Mr. Speaker, I rise to call the attention of my colleagues to an incident that took place in Russia in the last few days—an incident that raises serious questions about freedom of the press and also about the future of democracy in Russia. NTV, the only major independent television network in Russia, broadcasts a political satire program in which puppets are easily recognizable caricatures of leading Russian political figures. The program satirizes public figures. The program—called ''Kukly'' (''Puppets'')—is similar to programs that are broadcast in Britain, France, Hungary, and a number of other countries.

After a recent show, however, the Russian Prosecutor General brought criminal charges against the producers of the show on the grounds that the country's leading public figures were victims of ''a conscious and public humiliation of their honor and dignity, expressed in an indecent way.'' If that standard were observed in the United States, David Letterman, Jay Leno, a host of radio talk show hosts, and any other number of television and movie producers would have been slapped into prison long ago. In a democracy, one of the consequences of a free press and freedom of expression is that public figures are subject to public scrutiny by both responsible and irresponsible media. It is not pleasant to be inaccurately or derisively treated by the media, but I dare say that most of my colleagues have some experience in this regard.

The action of the Prosecutor General in Moscow, however, raises the most serious and the most fundamental questions about democracy in Russia and about future developments there. Initiating criminal proceedings against the producers of a political satire puppet program may be the source of witty headlines in the press—the Washington Post headlined its story yesterday ''Satirists Skewer Russian 'Puppet' Government''—but the matter is extremely serious.

The prosecution of these criminal charges, however, is suspect on its face. Why is the Prosecutor General focusing his attention on supposedly criminal actions on a political satire television program? There are far more serious crimes—real crimes—which do not seem to attract the attention of the prosecutor. The suspicious murder of the popular Russian television journalist Vladimir Listeyev of Ostankino TV remains unsolved after nearly a year. Furthermore, the prosecutor and law enforcement officials still has not found the murderers of journalist Dmitri Kholodov of Komsomolskahya Pravda, who was killed by a package bomb while he was in the final stages of an investigation into corruption in the military. There are real issues of unsolved crimes—real crimes—which the Prosecutor General could deal with. Why undertake proceedings against the producers of a television program?

The answer to that question, Mr. Speaker, is that this criminal proceeding is only a small part of a much larger effort to intimidate the media and to bring the independent television and other media into line, particularly since parliamentary elections in Russia are scheduled for this December and Presidential elections are to follow 6 months later. The independent television station NTV, which is being charged for its irreverent puppet-treatment of the Russian leaders, has also been particularly hard-hitting in its coverage of the government's military actions in Chechnya. The station recently broadcast an interview with the leader of the group of Chechen guerrillas who held more than a thousand Russians hostage in southern Russia last month. Criminal charges are also pending against NTV for broadcasting that interview.

The effort of government agencies to intimidate the media in Russia is a serious challenge to efforts to institutionalize democracy. Freedom of the press and the right of free expression are the most fundamental of the rights of any democratic society. Freedom of speech is absolutely essential if democracy is to exist, and without it, true democracy cannot exist. Russia does not have a tradition of an independent and free and open media; therefore, this effort at intimidation is intended as a warning to journalists throughout the country.

Mr. Speaker, it is essential that we in the Congress of the United States affirm our concern and interest in freedom of expression and an unfettered independent media in Russia. With our distinguished colleague, the chairman of the International Relations Committee, Congressman BEN GILMAN of New York, I am today introducing legislation that expresses the strong concern of the Congress that freedom of expression and freedom of the press be protected and guaranteed in Russia.

Mr. Speaker, I invite my colleagues in the Congress to join us in cosponsoring this important affirmation of our concern for freedom of expression in Russia. Our Nation has a strong interest in the positive and democratic development of Russia, and freedom of the press is essential to that process. There should be no question about our commitment to that vital principle.

The text of our resolution is as follows:

HOUSE CONCURRENT RESOLUTION 84

A resolution expressing the sense of the Congress concerning freedom of the press in Russia.

Whereas the end of the Cold War and the collapse of the Soviet Union has brought new and unique opportunities for democratic political change and market-oriented economic reform in Russia;

Whereas, the commitment to the spirit of these democratic reforms and to the full implementation of these reforms has been tentative and inconclusive thus far;

Whereas one of the fundamental tenets of democracy and one of the most important means of assuring the continuation of democratic government is an independent and free press, which can exist only in an environment that is free of state control of the

media and the absence of any form of state censorship or official coercion of any kind and is protected by the rule of law;

Whereas freedom of the press and freedom of expression in Russia today is being threatened by some forces within the Russian government, particularly since the dramatic reporting of the war in Chechnya;

Whereas there have been reports in the Russian press, including the official press, of efforts to establish a government committee that would impose censorship on the press in Russia;

Whereas there have been persistent reports regarding the possible issuance of government decrees that would undermine or compromise the independence of privately-owned television stations and other media enterprises which have provided factual reporting on the war in Chechnya or which have editorialized against Russian military action in Chechnya;

Whereas there has been recent evidence of government involvement in actions against independent television outlets and those who use or finance such businesses, including a widely-reported assault on the office of the Most Group, which owns NTV and other media outlets, and, furthermore, allegations of the involvement of presidential security forces in that assault have never been denied;

Whereas the latest effort to intimidate the press involves the launching of a criminal investigation by the Prosecutor General against the largest private television network, NTV, and threatening action against the producers of a political satire program in which puppets are used to caricature prominent Russian officials and personalities;

Whereas the suspicious murder of popular television journalist Vladimir Listeyev of Ostankino TV remains unsolved after nearly one year;

Whereas the assassination of journalist Dmitri Kholodov of Komsomolskaya Pravda, who was killed by a package bomb while he was in the final stages of an investigation into corruption in the military, also remains unsolved;

Whereas journalists in Russia, including both foreign and domestic journalists, have faced harassment, risked arrest, had equipment confiscated, been beaten and even murdered as a result of their efforts to report objectively regarding events in Chechnya; and

Whereas a free and independent information media is essential to the conduct of free, open, fair and democratic elections which are scheduled later this year in Russia; now therefore be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that

(1) A free press is vital to the development and consolidation of democracy in Russia;

(2) Freedom of the press and freedom of expression must be safeguarded against those forces who would suppress or censor these essential fundamental democratic rights;

(3) To protect freedom of the press and freedom of expression, the right and opportunity of independent entrepreneurs to establish, operate, and maintain independent media outlets must be protected and safeguarded;

(4) Russian government leaders, including the President, the Prime Minister, and Members of the Russian Duma, should fully support freedom of the press and the right of free expression in Russia; and

(5) The President and the Secretary of State are requested to convey to appropriate Russian government officials, including the President, the Prime Minister, and the Minister of Foreign Affairs, this expression of the views of the Congress.

INS CHECKPOINTS

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Mr. PACKARD. Mr. Speaker, I would like to share with my colleagues the concerns of Richard and Anne Hicks of Laguna Niguel, constituents from my district. In a letter to me, they expressed their frustration with the Immigration and Naturalization Service [INS] inland border checkpoints in California. Closing the inland check points and reallocating these resources to the California border is cost effective and efficient. I have the same concerns as Mr. and Mrs. Hicks and I would like to share their comments with you.

Today on our way to/from San Diego from Laguna Niguel—we were disgusted while observing the huge traffic back-up surrounding the San Clemente outpost. This is a low payoff investigation as it is 60 miles north of the border. We resent this intrusion especially when it deters transportation on our busy Southern California freeways, and uses the 'needle in the hay stack' method of immigration control.

Mr. Speaker, I support controlling illegal immigration. My constituents understand first hand, just how ineffective inland checkpoints are.

Effective and efficient control starts at the borders themselves, not 60 miles north. I attached an amendment to the 1996 Commerce, Justice, State bill to move scarce resources from the checkpoints to the border. In order to stop illegal immigrants in their tracks, we need to plug up the source—the California-Mexico border.

OUTSTANDING HIGH SCHOOL SENIORS FROM THE FIRST CONGRESSIONAL DISTRICT OF NEW MEXICO

HON. STEVEN SCHIFF

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Mr. SCHIFF. Mr. Speaker, the following graduating high school students from the First Congressional District of New Mexico have been awarded the Congressional Certificate of Merit. These students have excelled during their academic careers and proven themselves to be exceptional students and leaders with their scholastic achievements, community service, and participation in school and civic activities. It is my pleasure to be able to recognize these outstanding students for their accomplishments. I, along with their parents, their teachers, their classmates, and the people of New Mexico, am proud of them.

CERTIFICATE OF MERIT AWARD WINNERS, 1995

Albuquerque Evening High School, George Strimbu, 3200 Central SE, Albuquerque, NM 87106.

Albuquerque High School, Eva Dubuisson, 3025 Delano Place NE, Albuquerque, NM 87106.

Bernalillo High School, Jessica Marie Archibeque, PO Box 675, Bernalillo, NM 87004.

Cibola High School, Aaron Olson, 6371 Sandpiper Trail, Rio Rancho, NM 87124.

Del Norte High School, Jean Yates, 7405 El Morro NE, Albuquerque, NM 87109.

Eldorado High School, Luke Wittenburg, 10100 Modesto, Albuquerque, NM 87122.

Estancia High School, Mary Perea, PO Box 18, Torreon, NM 87061.

Evangel Christian Academy, Leah Henderson, 7317 Appomahon Pl. NE, Albuquerque, NM 87109.

Freedom High School, Kamila Szewcayk, 8205 Trumbull SE, Apt. G, Albuquerque, NM 87108.

Highland High School, Lisa Smith, 1012 Parkland Place SE, Albuquerque, NM 87108.

Hope Christian School, Vivian Lee Sisneros, 4506 Dusty Trail Ct., Albuquerque, NM 87120.

La Cueva High School, Jamie Mahan, 12090 Roma Ave. NE., Albuquerque, NM 87123.

Los Lunas High School, Emily Williams, 09 Blueberry Lane, Los Lunas, NM 87031.

Manzano High School, Joshua Stephenson, 12238 Kinley NE, Albuquerque, NM 87123.

Menaul School, Rose Allyson Abeyta, 3617 San Pedro NE, Albuquerque, NM 87110.

Moriarty High School, Julie Ann Johnson, 44 Apple Ranch, Tijeras, NM 87059.

Allison Fitzpatrick, PO Box 334, Sandia Park, NM 87047.

Mountainair High School, Shawna Shovelin, PO Box 183, Mountainair, NM 87036.

New Futures School, Berenice Lopez, 6109 Dennison SW, Albuquerque, NM 87102.

Rio Grande High School, Jason Hunter, 221 Rossmoon Road SW, Albuquerque, NM 87102.

School on Wheels High School, Yvette Garcia, 432 Merlida SW, Albuquerque, NM 87121.

St. Paul X High School, Catherine A. Csepregi, 908 Sierra SE, Albuquerque, NM 87108.

Sandia High School, Meredith Ford, 7228 Vivian Dr. NE, Albuquerque, NM 87109.

Sandia Preparatory School, Rebecca Debenport, 2224 Dietz Place NW, Albuquerque, NM 87107.

Valley High School, Antonio E. Jaramillo, 3103 9th Street NW, Albuquerque, NM 87107.

West Mesa High School, Nicole J. Abeyta, 3016 Corona NW, Albuquerque, NM 87120.

HONORING CHIEF JOSEPH ROWLEY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Ms. DELAURO. Mr. Speaker, today it is my pleasure to honor a distinguished citizen from my district, Chief of Police Joseph Rowley. After 36 years of exemplary service, Chief Rowley retired on July 14 from the Orange Police Department.

Chief Rowley had dedicated his life to serving his country and his community. After serving honorably in the U.S. Air Force, he joined the Orange Police Department as an officer in 1959. Time after time, he distinguished himself with his hard work and commitment to enhancing public safety. During his years of service to the Orange Police Department, he received three letters of commendation and one letter of recognition for his performance in various criminal cases. One of the most notable awards was a letter of commendation for his leadership of the investigation and conviction of two murderers.

His ability to lead earned him numerous promotions, culminating in his being named chief of police in 1990. As chief, he has served with distinction for the past 5 years. Indeed, Chief Rowley is well known to Orange residents for

his outstanding courage and dedication to crime fighting. His efforts have truly made the town of Orange a better and safer place to live. I know his wife, Jacqueline, and his three children take great pride in Chief Rowley's exemplary record.

Mr. Speaker, I am proud to salute the leadership and selfless service displayed by Chief Rowley during his 36 years with the Orange Police Department. I join his friends and colleagues, who are honoring him on this evening of July 20 at the Racebrook Country Club, in wishing him a long and happy retirement.

PERSONAL EXPLANATION

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Mr. HASTERT. Mr. Speaker, on the afternoon of July 12, 1995, I was unavoidably detained. Had I been present, I would have voted:

''Yea'' on rollcall vote No. 494, final passage of H.R. 1905, a bill making appropriations for energy and water development for fiscal year ending September 30, 1996.

Please place my statement in the appropriate section of the permanent RECORD.

HONORING THE SOUTH FLORIDA FOOD RECOVERY FOR CHRISTMAS IN JULY

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Mrs. MEEK of Florida. Mr. Speaker, on July 4, 1995, South Florida Food Recovery celebrated our Nation's independence in unique fashion. A nonprofit organization which regularly provides food to our area's needy, South Florida Food Recovery provided joy to over 1,200 underprivileged children by sponsoring their first annual Christmas in July celebration.

Having begun the collection on Christmas Day 1994, over 4,000 toys were distributed to children on the day of the vent. Two fully-decorated Christmas trees served as the backdrop while volunteers dressed as Santa Claus handed out cookies, candy-canes, and other treats. The morning was truly heartwarming for all who participated.

South Florida Food Recovery has demonstrated that the Christmas spirit can be felt throughout the year. That they held Christmas in July in conjunction with Independence Day makes their efforts even more special. What a wonderful way for Americans to join for a July 4th celebration.

LET'S DEBATE THE TEAM ACT ON ITS MERITS

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Mr. GUNDERSON. Mr. Speaker, as U.S. manufacturers have reorganized to compete in the global marketplace, they have turned more and more to employee involvement to motivate their work force and improve productivity. Employee involvement consists of a structure in which employees and managers seek joint solutions to workplace problems through cooperation. Employees and employers alike agree that involving employees in workplace decisionmaking has several positive effects, including giving employers a greater voice in workplace decisions and increasing productivity.

I have advocated employee involvement in all types of workplaces for over 4 years. However, this management approach is only legal in unionized workplaces under current law. Section 8(a)(2) of the National Labor Relations Act makes employee involvement in nonunion settings illegal. It is an ultimate irony that in nonunionized companies, the employer can dictate the safety clothing employees wear and even the type of food in the cafeteria, but employers and employees cannot address these issues and arrive at a consensus. This restriction may have made sense in 1935, but in 1995, when 88 percent of the work force is not unionized, it should no longer apply. As the recent study by Princeton Survey Research Associates shows, workers of all stripes prefer cooperation 3 to 1 over unions.

In January, I introduced the Teamwork for Employees and Managers [TEAM] Act along with BILL GOODLING, Chairman of the Economic and Educational Opportunities Committee, and HARRIS FAWELL, Chairman of the Subcommittee on Employer-Employee Relations. The bill makes a technical change to section 8(a)(2) to allow employee involvement in nonunion settings. The TEAM Act does not seek to eviscerate the representational role of unions, but to give nonunion employees the same ability to communicate with management as unionized employees. The business community has supported this bill through the TEAM Coalition, a group of many different employers and associations.

About a week ago, the International Association of Machinists and Aerospace Workers [IAMAW] sent a letter to several companies that are TEAM Coalition members and whose employees the union represents. The letter uses thinly veiled language to threaten ongoing employee involvement programs between the company and the union unless the company leaves the TEAM Coalition. I find such implicit threats appalling, contrary to the spirit of employer-employee cooperation, and detrimental to workplace harmony.

Instead of promoting employee involvement for all workers, one organization has threatened to end it for those workers who can legitimately cooperate with employers in the workplace. This raises opposition to a new level of absurdity. It makes no sense for the IAMAW to threaten the very programs that the union has helped and has itself sanctioned, in the only legal type of employee involvement available today. This action is truly antiworker because it only affects union members. These are the very programs that are empowering workers and providing them more control over their job, and over the direction of the company. I wonder what the reaction of line workers would be to this tactic.

Throughout the debate on the TEAM Act, I have tried very hard to promote the TEAM Act as a proworker initiative that expands legal employee involvement without being antiunion. I have asked my colleagues to temper suggested legislative language. I have tried to be responsive while promoting legitimate employee involvement in nonunion settings.

The Economic and Educational Opportunities Committee has responded as well. When many in organized labor believed that the TEAM Act would allow employers to bypass existing unions, Representative TOM PETRI offered, and the committee accepted, an amendment to make clear that employers cannot circumvent existing unions when starting employee involvement programs. The companies must receive agreement from the union. The committee has also entertained other possibilities for improvement suggested by our Democratic colleagues. But organized labor continues to argue the TEAM Act is explicitly antilabor.

I would hope that companies and organizations that have joined the TEAM Coalition would resist pressure tactics such as the one raised by the IAMAW. Congressional action should be premised on honest debate over legislation. All interested parties should undertake vigorous and open debate on the merits of this legislation and let the chips fall where they may. But if pressure is applied to squelch one view, then the debate becomes a game of underhanded tricks. Employer-employee cooperation is very effective in union settings. Because a competitive work force is vital to U.S. economic success, we should at least investigate the merits of applying meaningful cooperation to the nonunion work force as well.

THE MERCER COUNTY FLOOD RELIEF EFFORT

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Mr. RAHALL. Mr. Speaker, I rise today to bring to your attention the outstanding coalition of organizations which has been the backbone of the relief effort to alleviate the effects of the severe flooding in West Virginia's Mercer, Mineral and Nicholas Counties. Mercer County, which is in my district, was the hardest hit by the floods. Instrumental in aiding the people of Mercer County carry out the arduous task of rebuilding and cleaning up has been, the Red Cross, the West Virginia National Guard, and a number of local volunteer fire departments and rescue squads.

Mr. Speaker, resident's homes, businesses, schools, and roads have been devastated by the high waters. Fortunately, no lives were lost. Sifting through the mud and debris, many have struggled to find the scattered remains of personal belongings and are in a sense of helplessness when assessing the structural damage to their homes. The businesses which the residents depend on so dearly for jobs and services have suffered heavy damages. There has been damage to city halls, police departments, hospitals, and other institutions vital to the surrounding communities. Schools have also fallen victim to the indiscriminate wrath of the flood waters. Thirteen bridges have given way to the mighty waters, and chunks of pavement have been severed from the roads. The total amount of damage is estimated to run in excess of $7 million. Now, the citizens of Mercer County face the challenge of rebuilding their lives.

The Red Cross in Mercer County, under the direction of Warren Zorek, has been at the forefront of the relief effort. The special teams and volunteers sent into the area have proven invaluable to the residents of Mercer County's hardest hit localities, providing food, clothing, and shelter to displaced and distressed families and individuals. The men and women of the Red Cross are currently continuing their efforts to get the disabled communities back on their feet and moving again.

Upon visiting the afflicted areas, Maj. Gen. Joseph Skaff, Adjutant General of the West Virginia National Guard, announced that he would send personnel and equipment to help in the restoration of Mercer County. A total of 16 members, 4 dump trucks, and 4 all-terrain vehicles were dispatched to the area to aid in the removal of debris. The Guard's assignments were coordinated with the local civilian authorities. They have tremendously eased the burden on the residents, who have expressed their sincere gratitude for the services that are being provided.

There were also a number of volunteer fire departments and rescue squads who evacuated residents, and were on hand to pump the muddy waters out of homes. Among them were the East River, Bluewell, Green Valley, Glenwood, Oakvale, Bluefield, and Princeton fire departments and rescue squads. Their combined numbers totaled more than 150 men and women. It is of utmost importance that the members of a community and its surrounding areas come together, as the people of Mercer County have, in order to overcome such catastrophes. A strong community effort can have excellent results despite the dire conditions which may exist.

Local, State, and Federal officials surveyed the ravaged communities of Mercer county. Having heard the stories of the fear and heartache which the flood victims suffered, and having seen the damage first hand, the State Office of Emergency Services made the request to Governor Gaston Caperton that he seek a disaster declaration for the area. On July 5, the Governor signed the request for Mercer County to be declared a disaster area, and then forwarded it to President Clinton. On the same day I sent a letter to the President urging my strongest possible support for the disaster relief request, and expressed agreement with the Governor in that the disaster is larger than can be effectively handled by the State. I am pleased to say that the Federal Emergency Management Agency approved Mercer County for Federal relief assistance on July 12.

The communities are now one step further on the road to recovery, and I would like to personally thank the men and women of these organizations for the hard work that they have put into this effort. Their contributions and good will shall be well remembered by those whose suffering and anguish have been lessened by such caring and humanitarian people.

TWENTY-FIRST ANNIVERSARY OF THE TURKISH OCCUPATION OF CYPRUS

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Mr. KENNEDY of Massachusetts. Mr. Speaker, I had hoped that this would not be necessary. Yet here we are again, observing yet another anniversary of this awful tragedy—the occupation of Cyprus by Turkish forces.

The whole world recognizes the injustice of the situation:

The United Nations has adopted a Security Council Resolution calling for a settlement that respects the sovereignty of Cyprus.

The European Union has taken steps to include Cyprus as a member state. Greece is cooperating in the process by lifting its veto against Turkey's customs union with the EU. Yet Turkey remains intransigent. More must be done.

I am pleased that President Clinton has demonstrated his commitment to a resolution of the problem by this appointment of a Special Presidential Emissary for Cyprus.

Recently, President Clerides of Cyprus proposed a plan that calls for the demilitarization of the island. With more than one third of Cyprus under foreign occupation by 30,000 troops, demilitarization offers an opportunity to build an atmosphere of trust that could bring the sides closer to a framework for a resolution.

Mr. Speaker, I support President Clerides' efforts to introduce a new approach that recognizes the need for bold diplomatic initiatives to solve this intractable problem. The world has seen many promising signs for the cause of peace. The fragile processes in the Middle East and Northern Ireland are two examples where progress has occurred despite great difficulties and decades old animosities. We have an opportunity now to commit ourselves to an initiative that offers the possibility of demilitarizing this land which has suffered so much.

But these hopeful signs do not quiet the suffering of the island's people. International diplomatic efforts are meaningless if they do not lead to a resolution. For twenty-one years, the people of Cyprus have lived under foreign occupation. Twenty-one years! The families who grieve for fathers and mothers and sons and daughters killed or missing since the occupation have waited too long for a just settlement.

Mr. Speaker, it is my sincere hope that this is the last time we find ourselves on the floor of this House marking yet another anniversary of this occupation.

CYPRUS

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Mr. MARTINI. Mr. Speaker, I rise today on the 21st anniversary of Turkey's illegal occupation of the independent Island of Cyprus. This is a dilemma that must be addressed.

Today, there is no more hope for a settlement to the crisis then there was 20 years ago. It is a shame that a country that was founded with such promise and vision has deteriorated into a land torn by faction.

The tiny Island of Cyprus gained its independence from Great Britain in 1960. The Cypriots are divided along ethnic lines with 76 percent of the citizens of Greek origin and 19 percent of Turkish origin. To take into account this ethnic division, the first provision of the Cyprus constitution required a Greek Cypriot President and a Turkish Cypriot Vice President. Upon independence, the United States praised the new country for its ''effort to create a new state based on the cooperation of different ethnic communities.''

However, peace on the Island of Cyprus lasted only until 1963 when President Makarios proposed constitutional revisions that strengthened the Greek majority. The strenuous relationship deteriorated until 1974 when Greek hardliners supported a coup of President Makarios. In response to these threatening acts, the Turkish Government sent troops into Cyprus and seized control of a significant portion of the island.

Today, the two ethnic groups live in separate areas of the island with the United Nations maintaining a buffer zone. Settlement efforts have stalled on differences of how to solve the matter. In fact, a recent calmness on the island has disturbed some officials in the United Nations. The Secretary General of the U.N. has stressed that it is not a reason for optimism, but rather a cause for serious concern. It signifies not a peace initiative, but a strengthening of forces. In response to these actions, on June 27, 1995, the House approved an amendment by my colleague, Congressman JOHN PORTER of Illinois, to the foreign operations appropriations bill—H.R. 1868—that would reduce the aid to Turkey by 50 percent until they withdraw their troops from Cyprus. I supported this measure.

Mr. Chairman, tumult such as this must come to an end. It is time that peace comes to the Island of Cyprus.

''TWENTY ONE YEARS OF DIVISION ON CYPRUS''

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Mr. COYNE. Mr. Speaker, I want to express my strong support for a peaceful end to the presence of Turkish military forces in Cyprus.

Today, July 20, 1995, marks the 21st anniversary of Turkey's invasion and occupation of the Island of Cyprus. The time is clearly long overdue when the occupation and division of Cyprus should be ended. The time has come to provide answers to questions over persons who have been missing for over two decades since the invasion of Cyprus. The time has come to bring peace and unity to the people of Cyprus.

The United States of America has clearly stated its commitment to a Cyprus settlement that respects the single sovereignty and territorial integrity of this island. I want to commend President Clinton for the leadership his administration has offered in support of international efforts to resolve the issue of a divided Cyprus. This administration has expressed clearly and consistently its support for an end to the illegal division of Cyprus.

Last fall, President Clinton appointed Richard Beaatie as Special Presidential Envoy for Cyprus to lend new impetus to United States efforts to resolve the Cyprus problem. Last month, President Clinton also elevated State Department Special Coordinator for Cyprus James William to ambassadorial rank to provide a further indication of U.S. resolve. The United States has also initiated, in conjunction with Great Britain, confidential talks between Greek Cypriots and the Turkish Cypriots. While these talks were to eventually break down due to Turkish intransigence, the resolve of the United States and the Clinton administration remain unshaken in its support for a peaceful settlement of the Cyprus division.

The international community has also spoken with a clear voice against the continued division of the Island of Cyprus. U.N. Security Council adopted Resolution 939 on July 29, 1994, which calls for a Cyprus settlement ''based on a state of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded, and comprising two politically equal communities as described in the relevant Security Council resolutions, in a bicommunal and bizonal federation, and that such a settlement must exclude union in whole or part with any other country or any form of partition or succession.''

The Greek Cypriots are also speaking with a clear voice in support of a peaceful resolution to the division of Cyprus. Greek Cypriot President Clerides recently issued a demilitarization proposal that seeks to bring an end to Cyprus' status as what U.N. Secretary General Boutros Boutros-Ghali called ''one of the most highly militarized areas in the world. President Clerides' proposal states that the Government of Cyprus will disband its military force, turn over its military hardware to the U.N. peacekeeping force, and pledge all outyear appropriations that would be otherwise earmarked for defense toward maintaining the U.N. force if the Republic of Turkey will end its illegal occupation of this island. The way is clear for ending the division of Cyprus which has brought so much suffering to the people of the island if the Turkish Government will embrace this opportunity to obtain a peaceful end to the division of Cyprus.

Mr. Speaker, it is my hope that the people of Cyprus will soon live free from foreign occupation and illegal division. Twenty-one years of occupation is far too long and I want to join with my colleagues in urging the Government of Turkey to end its occupation of Cyprus.

THE TURKISH OCCUPATION OF CYPRUS MUST END

HON. DICK ZIMMER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Mr. ZIMMER. Mr. Speaker, today marks the 21st anniversary of the illegal Turkish occupation of 40 percent of the island of Cyprus. As I have in the past, I once again urge Turkey to end that occupation so that the people of Cyprus can work toward a peaceful, democratic and independent future.

This House recently approved an amendment by Congressman PORTER to reduce United States aid to Turkey. This amendment was in part the result of Turkey's blind disregard for the territorial integrity of Cyprus.

The Porter amendment represented the second time we have voted to reduce aid to Turkey because of its abuses of human rights and international law. I hope it will be the last.

Turkey must realize that we are growing impatient with its empty promises to address the Cyprus problem. For 20 years it has ignored or rejected virtually all calls to end its occupation and resolve the problems it has created.

As a result, there are still five Americans whose whereabouts remains unknown after they were swept up in the Turkish invasion of Cyprus in 1974. There are also 1,614 Greek Cypriots who were abducted during that invasion and who remain unaccounted for today.

Seventeen years ago, Congress agreed to lift the partial arms embargo it had imposed on Turkey for treaty violations on the condition that Turkey would work toward a lasting resolution of the Cyprus problem.

And what has happened in 17 years? Nothing, Mr. Speaker. Rather than trying to resolve the problem, in fact, Turkey has aggravated it by declaring, in 1983, the independence of its occupied land on Cyprus and naming it the ''Turkish Republic of Northern Cyprus.''

That was not the peaceful resolution that Cyprus had expected. And it is time that we make it clear that our patience with procrastination and broken promises is exhausted.

Mr. Speaker, i continue to support legislation offered by Mr. ANDREWS and Mr. PORTER that would ban all aid to Turkey until the Turkish Government complies with a number of conditions relating to human rights, as well as the condition that Turkey withdraw its troops from Cyprus.

Until Turkey withdraws its troops, we have little hope for a resolution. If we do not demand decisive action by Turkey and hold that nation accountable for its deeds, we will be back here next year sadly noting the 22d anniversary of the Turkish invasion of Cyprus.

Daily Digest

HIGHLIGHTS

Senate passed Legislative Branch Appropriations, 1996

Senate

Chamber Action

Routine Proceedings, pages S10329–S10444

Measures Introduced: Two bills and one resolution were introduced, as follows: S. 1052 and 1053, and S. Res. 155. **Page S10426**

Measures Reported: Reports were made as follows:

S. 919, to modify and reauthorize the Child Abuse Prevention and Treatment Act, with an amendment in the nature of a substitute. (S. Rept. No. 104–117)

S. Res. 103, to proclaim the week of October 15 through October 21, 1995, as National Character Counts Week. **Page S10426**

Measures Passed:

Legislative Branch Appropriations, 1996: Senate passed H.R. 1854, making appropriations for the Legislative Branch for the fiscal year ending September 30, 1996, after agreeing to committee amendments, and taking action on amendments proposed thereto, as follows:

Pages S10340–67, S10373–86, S10400–20

Adopted:

(1) By 60 yeas to 39 nays (Vote No. 312) Byrd Amendment No. 1802, to express the sense of the Senate that the Senate should consider a resolution requiring each accredited member of the Senate Press Gallery to file an annual public report with the Secretary of the Senate disclosing the member's primary employer and any additional sources and amounts of earned outside income. **Pages S10350–57**

(2) Brown Amendment No. 1805, to prohibit the hiring of new elevator operators to operate automatic elevators. **Pages S10363–64**

(3) Feingold Amendment No. 1803, to express the sense of the Senate that the 104th Congress should consider comprehensive campaign finance reform legislation. (By 41 yeas to 57 nays (Vote No. 313), Senate earlier rejected a motion to table the amendment.)

Pages S10358–63, S10373–74, S10380, S10419

(4) By 91 yeas to 8 nays (Vote No. 314), Dole Amendment No. 1807 (to Amendment No. 1803), of a perfecting nature. **Pages S10373, S10380**

(5) Specter Amendment No. 1806, expressing the sense of the Senate regarding war crimes in the Balkans. **Pages S10364–67, S10419**

(6) By 84 yeas to 13 nays (Vote No. 318), Murray Modified Amendment No. 1826, to provide that none of the funds in this Act may be used to award Federal contracts to unqualified persons, in reverse discrimination, or in quotas, or is inconsistent with the decision of the Supreme Court of the United States in *Adarand Constructors, Inc.,* v. *Pena* on June 12, 1995. **Pages S10402–18**

(7) Mack (for Dole) Amendment No. 1828, to retain the Capitol Guide Service and Special Services Office. **Page S10419**

(8) Mack (for Simon) Amendment No. 1829, to repeal the prohibitions against political recommendations relating to Federal employment. **Page S10419**

(9) Mack (for Lieberman) Amendment No. 1830, to amend the Congressional Accountability Act relating to the submission of a study by the Administrative Conference of the United States. **Page S10419**

(10) Mack (for Bingaman) Amendment No. 1831, relating to the reduction in facilities energy costs.

Pages S10419–20

(11) Mack Amendment No. 1832, to strike language relative to law enforcement on Library of Congress property at Ft. Meade, Maryland.

Pages S10419–20

Rejected:

(1) Hollings Amendment No. 1808, to restore funding for the Office of Technology Assessment. (By 54 yeas to 45 nays (Vote No. 316), Senate rejected a motion to table the amendment.)

Pages S10374–86, S10400

(2) By 36 yeas to 61 nays (Vote No. 317). Gramm Amendment No. 1825, to ensure equal opportunity and merit selection in the award of Federal contracts. **Pages S10401–18**

Withdrawn:

(1) Mack (for McConnell) Amendment No. 1804 (to Amendment No. 1803), in the nature of a substitute. **Pages S10358–63, S10374**

(2) Exon (for Murray) Amendment 1827 (to Amendment No. 1825), of a perfecting nature. **Pages S10403–S10417**

U.S. Insular Areas Authorizations: Senate passed S. 638, to authorize appropriations for United States insular areas, after agreeing to an amendment in the nature of a substitute. **Pages S10440–42**

D.C. Transportation Projects: Senate passed S. 1023, to authorize an increased Federal share of the costs of certain transportation projects in the District of Columbia for fiscal years 1995 and 1996. **Pages S10442–43**

Bosnia/Herzegovina Self-Defense Act: Senate continued consideration of S. 21, to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina, taking action on amendments proposed thereto, as follows: **Pages S10386–87**

Pending:

Dole Amendment No. 1801, in the nature of a substitute. **Page S10386**

Comprehensive Regulatory Reform Act: Senate continued consideration of S. 343, to reform the regulatory process, taking action on amendments proposed thereto, as follows: **Pages S10386–S10401**

Pending:

(1) Dole Amendment No. 1487, in the nature of a substitute. **Page S10386**

(2) Ashcroft Amendment No. 1786 (to Amendment No. 1487), to provide for the designation of distressed areas within qualifying cities as Regulatory Relief Zones and for the selective waiver of Federal regulations within such zones. **Page S10386**

(3) Hutchison/Ashcroft Amendment No. 1789 (to Amendment No. 1786), in the nature of a substitute. **Page S10386**

During consideration of this measure today, Senate also took the following action:

By 58 yeas to 40 nays (Vote No. 315), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate failed to close further debate on Amendment No. 1487, listed above. **Pages S10399–S10400**

Emergency Supplemental/Rescissions, 1995: Senate resumed consideration of H.R. 1944, making emergency supplemental appropriations for additional disaster assistance, for anti-terrorism initiatives, for assistance in the recovery from the tragedy that occurred at Oklahoma City, and making rescissions for fiscal year ending September 30, 1995, taking action on amendments proposed thereto, as follows: **Pages S10419–25**

Pending:

Wellstone/Moseley-Braun Amendment No. 1833, to strike certain rescissions, and to provide an offset. **Pages S10420–25**

A unanimous-consent time agreement was reached providing for further consideration of the bill and the amendment pending thereto, on Friday, July 21, 1995. **Page S10419**

Military Construction Appropriations, 1996—Agreement: A unanimous-consent agreement was reached providing for the consideration of H.R. 1817, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1996, on Friday, July 21, 1995. **Page S10420**

Nominations Received: Senate received the following nominations:

James A. Joseph, of Virginia, to be Ambassador to the Republic of South Africa.

1 Air Force nomination in the rank of general.

31 Army nominations in the rank of general.

Routine lists in the Army, Navy. **Page S10444**

Messages From the House: **Page S10425**

Measures Referred: **Pages S10425–26**

Executive Reports of Committees: **Page S10426**

Statements on Introduced Bills: **Pages S10426–27**

Additional Cosponsors: **Pages S10427–28**

Amendments Submitted: **Pages S10429–33**

Authority for Committees: **Page S10433**

Additional Statements: **Pages S10433–40**

Record Votes: Seven record votes were taken today. (Total—318) **Pages S10357, S10373, S10380, S10399–S10400, S10418**

Recess: Senate convened at 9 a.m., and recessed at 11:27 p.m., until 9 a.m., on Friday, July 21, 1995. (For Senate's program, see the remarks of the Acting Majority Leader in today's RECORD on page S10443.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the following business items:

S. 1004, to authorize funds for the United States Coast Guard, with an amendment in the nature of a substitute;

S. 1048, to authorize funds for certain programs of the National Aeronautics and Space Administration, with an amendment in the nature of a substitute. (As approved by the Committee, the amendment authorizes $13.8 billion for fiscal year 1996.);

An original bill authorizing funds for Amtrak and for local rail revitalization programs;

S. 187, to provide for the safety of journeymen boxers;

S. 981, to preserve Congressional involvement with regard to Federal regulations on truck trailer length issues pursuant to the North American Free Trade Agreement;

S. 583, to issue a certificate of documentation and coastwise trade endorsement for the vessels *Resolution* and *Perseverance*;

S. 653, to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Aura*;

S. 654, to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Sunrise*;

S. 655, to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Marantha*;

S. 656, to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Quietly*;

S. 680, to issue a certificate of documentation and coastwise trade endorsement for the vessel *Yes Dear*;

S. 739, to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Sisu*;

S. 763, to issue a certificate of documentation and coastwise trade endorsement for the vessel *Evening Star*;

S. 802, to issue a certificate of documentation and coastwise trade endorsement for the vessel *Royal Affaire*;

S. 808, to extend the deadline for the conversion of the vessel *M/V Twin Drill*;

S. 826, to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Prime Time*;

S. 869, to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Dragonessa*;

S. 889, to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Wolf Gang II*;

S. 911, to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the United States for the vessel *Sea Mistress*;

S. 975, to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Jajo*;

S. 1016, to issue a certificate of documentation with the appropriate endorsement for employment in the coastwise trade for the vessel *Magic Carpet*;

S. 1017, to issue a certificate of documentation with the appropriate endorsement for employment in the coastwise trade for the vessel *Chrissy*;

S. 1040, to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Onrust*;

S. 1041, to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Explorer*;

S. 1046, to issue certificates of documentation with appropriate endorsements for employment in the coastwise trade of the United States for fourteen former U.S. Army hovercrafts;

S. 1047, to issue certificates of documentation and coastwise trade endorsements for the vessels *Enchanted Isles* and *Enchanted Seas;* and

The nominations of Roberta L. Gross, of the District of Columbia, to be Inspector General, National Aeronautics and Space Administration, Vera Alexander, of Alaska, to be a Member of the Marine Mammal Commission, and Robert Clarke Brown, of New York, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority.

Also, committee began markup of S. 387, to encourage enhanced State and Federal efforts to reduce traffic deaths and injuries and improve traffic safety among high-risk drivers, but did not complete consideration thereon, and recessed subject to call.

AUTHORIZATION—ENDANGERED SPECIES ACT

Committee on Environment and Public Works: Subcommittee on Drinking Water, Fisheries and Wildlife resumed hearings on proposed legislation authorizing funds for programs of the Endangered Species Act, focusing on the recovery, delisting and downlisting provisions and the international effects of the Endangered Species Act, receiving testimony from Mollie Beattie, Director, United States Fish and Wildlife Service, Department of the Interior;

Rolland A. Schmitten, Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce; Allan L. Egbert, Florida Game and Freshwater Fish Commission, Tallahassee, on behalf of the International Association of Fish and Wildlife Agencies; J. Michael Scott, National Biological Service, Moscow, Idaho; Robert J. Taylor, California Forestry Association, and John A. Lambeth, Hodgson Company, on behalf of the Fairy Shrimp Study Group, both of Sacramento, California; David Langhorst, Idaho Wildlife Federation, Ketchum, on behalf of the National Wildlife Federation; Robert J. Wiese, American Zoo and Aquarium Association, Bethesda, Maryland; Jeff Cilek, Peregrine Fund, Boise, Idaho; John W. Grandy, Humane Society of the United States, and Ginette Hemley, World Wildlife Fund, both of Washington, D.C.; Gerhardus J. Hanekom, Ministry of Environment and Tourism, Republic of Namibia; and Stephen Kasere, South African National Parks Board, Republic of South Africa, on behalf of the CAMPFIRE Association of Zimbabwe.

Hearings were recessed subject to call.

MEDICARE

Committee on Finance: Committee continued hearings to examine Medicare payment policies, focusing on Medicare services' rapid growth in spending, including home health care, skilled nursing, rehabilitation hospitals and clinical laboratories, receiving testimony from Kenneth W. Aitchison, Kessler Institute for Rehabilitation, Inc., West Orange, New Jersey, on behalf of the American Rehabilitation Association; Phillip I. Hoffman, Outreach Health Services, Austin, Texas, on behalf of the Home Health Services and Staffing Association; and David N. Sundwall, American Clinical Laboratory Association, and Paul Willging, American Health Care Association, both of Washington, D.C.

Hearings were recessed subject to call.

INTERNATIONAL POPULATION STABILIZATION

Committee on Finance: Subcommittee on Social Security and Family Policy held hearings on certain provisions of S. 1029, to establish and strengthen policies and programs for the early stabilization of world population through the global expansion of reproductive choice, receiving testimony from Representatives Beilenson and Morella; Dawn Liberi, Associate Assistant Administrator, Center for Population, Health and Nutrition, Agency for International Development; Jose Gomez de Leon Cruces, National Population Council, Republic of Mexico; Victoria Markell, Population Action International, and Sheldon Richman, Cato Institute, both of Washington, D.C.; and Mercedes Wilson, Family of the Americas, Dunkirk, Maryland.

Hearings were recessed subject to call.

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings on the nominations of David W. Burke, of New York, Tom C. Korologos, of Virginia, Bette Bao Lord, of New York, Edward E. Kaufman, of Delaware, Alberto J. Mora, of Florida, Cheryl F. Halpern, of New Jersey, Marc B. Nathanson, of California, and Carl Spielvogel, of New York, each to be a Member of the Broadcasting Board of Governors, after the nominees testified and answered questions in their own behalf.

NIGERIA

Committee on Foreign Relations: Subcommittee on African Affairs held hearings to examine the current situation in Nigeria, receiving testimony from George E. Moose, Assistant Secretary of State for African Affairs; Jane Becker, Principal Deputy Assistant Secretary of State for International Narcotics and Law Enforcement Affairs; Peter Lewis, American University, and Randall Robinson, TransAfrica, both of Washington, D.C.; and Kenneth Roth, Human Rights Watch, New York, New York.

Hearings were recessed subject to call.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

The nomination of James L. Dennis, of Louisiana, to be United States Circuit Judge for the Fifth Circuit;

S.J. Res. 31, proposing an amendment to the Constitution of the United States to grant Congress and the States the power to prohibit the physical desecration of the flag of the United States; and

S. Res. 103, to proclaim the week of October 15 through October 21, 1995, as National Character Counts Week.

BUSINESS MEETING

Committee on Labor and Human Resources: Committee ordered favorably reported the following business items:

S. 673, to establish a youth development grant program, with amendments;

S. 1044, to amend title III of the Public Health Service Act to consolidate and reauthorize provisions relating to health centers, with amendments; and

The nominations of Mary S. Furlong, of California, to be a Member of the National Commission on Libraries and Information Science, Richard J. Stern, of Illinois, to be a Member of the National Council on the Arts, National Foundation on the Arts and

the Humanities, and Lynne C. Waihee, of Hawaii, to be a Member of the National Institute for Literacy Advisory Board.

AUTHORIZATION—NATIONAL ORGAN TRANSPLANT ACT

Committee on Labor and Human Resources: Committee concluded hearings on proposed legislation authorizing funds for programs of the National Organ Transplant Act, and to examine the Federal Government's role in the oversight and funding of solid organ and unrelated donor marrow transplantation, after receiving testimony from Representatives Bill Young and Tony Hall; Ciro V. Sumaya, Administrator, Health Resources and Services Administration, Public Health Service, Department of Health and Human Services; Margaret D. Allen, University of Washington Hospital, on behalf of the United Network for Organ Sharing, and Frederick R. Applebaum, Fred Hutchinson Cancer Research Center, both of Seattle, Washington; Charles F. Shield, III, Wichita Surgical Specialists, Wichita, Kansas, on behalf of the National Organ Procurement and Transplantation Network; Dean F. Kappel, Mid-America Transplant Association, St. Louis, Missouri, on behalf of the Association of Organ Procurement Organizations; John J. Fung, University of Pittsburgh Medical Center, Pittsburgh, Pennsylvania; Craig J. Irwin, National Transplant Action, Washington, D.C.; Craig W.S. Howe, National Marrow Donor Program, Minneapolis, Minnesota; Joan A. Keller, American Bone Marrow Donor Registry, Mandeville, Louisiana; and Samuel Gross, University of Florida, Winter Park, on behalf of the Leukemia Society of America, Inc.

WHITEWATER MATTERS

Special Committee to Investigate the Whitewater Development Corporation and Related Matters: Committee continued hearings to examine issues relative to the President's involvement with the Whitewater Development Corporation, focusing on certain events following the death of Deputy White House Counsel Vincent Foster, receiving testimony from Sergeant Cheryl A. Braun, Detective John Rolla, and Major Robert Hines, all of the United States Park Police, National Park Service, Department of the Interior.

Hearings continue on Tuesday, July 25.

House of Representatives

Chamber Action

Bills Introduced: Thirteen public bills, H.R. 2077–2089; and two resolutions, H. Con. Res. 84–85 were introduced. **Pages H7378–79**

Report Filed: One report was filed as follows: Reported entitled "Report on the revised Subdivision of Budget Totals for fiscal year 1996" (H. Rept. 104–197). **Page H7378**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Emerson to act as Speaker pro tempore for today. **Page H7261**

Committees To Sit: The following committees and their subcommittees received permission to sit today during proceedings of the House under the 5-minute rule: Committees on Banking and Financial Services, Commerce, Economic and Educational Opportunities, Government Reform and Oversight, International Relations, Judiciary, Resources, Small Business, Transportation and Infrastructure, and Select Intelligence. **Page H7265**

United States Policy Toward China: By a yea-and-nay vote 416 yeas to 10 nays, with 1 voting "present," Roll No. 536, the House passed H.R. 2058, establishing United States policy toward China. **Pages H7273–H7302**

MFN Treatment to Products of the People's Republic of China: By a yea-and-nay vote of 321 yeas to 120 nays, Roll No. 537, the House laid on the table H.J. Res. 96, disapproving the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of the People's Republic of China. **Pages H7302–07**

H. Res. 193, the rule under which H.R. 2058 and the joint resolution was considered, were agreed to earlier by voice vote. **Pages H7265–73**

Agriculture Appropriations: House continued consideration of H.R. 1976, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1996; but came to no resolution thereon. Proceedings under the 5-minute rule will resume on Friday, July 21. **Pages H7307–67, H7368–77**

When the Committee of the Whole rose, votes had been postponed on the following amendments until Friday, July 21:

The Hoke amendment that seeks to reduce use of funds for Agriculture, Trade, and Development program by $113 million; **Pages H7368–71**

The Sanford amendment that seeks to prohibit use of funds for the construction of a new office facility campus at the Beltsville Agricultural Research Center; and **Pages H7373–74**

The Olver amendment that seeks to limit use of funds for payment of salaries of personnel to provide assistance to livestock producers if crop insurance protection or noninsured crop disaster assistance for the loss of feed produced is available and increase by $60 million funds for Rural Development Performance Partnerships. **Pages H7374–76**

Agreed To:

The Walsh amendment that strikes language that would have prohibited use of funds to issue, implement, or administer new Federal meat inspection regulations proposed by the Agriculture Department (USDA) unless a committee was formed by the Department and submitted a report to Congress reviewing current rules and proposed changes (agreed to by a recorded vote of 427 ayes, Roll No. 538); **Pages H7311–15, H7328–29**

The Camp amendment that increases by $445,000 funding for special agricultural research grants and offsets the increase by cutting the appropriation for competitive research grants by the same amount; **Page H7318**

The Condit amendment, as amended by the Skeen substitute, that increases by $200,000 funding for the Office of the Chief Economist; reduce by $200,000 funding for competitive research grants; and reduce by $200,000 funding for necessary expenses of research and education activities; **Pages H7318–19**

The de la Garza amendment that reduces funding by $4 million for administrative expenses in the Rural Housing Insurance Fund program and restores funding for direct loans from the Rural Development Loan Fund for empowerment zones and enterprise communities by providing approximately $7 million in lending authority; **Pages H7331–32**

The Callahan amendment that increases by $50 million funding for gross obligations for loans to section 502 borrowers; increases by $10,495,000 the cost of direct and guaranteed loans including the cost of modifying loans and offsets that increase by reducing funds for the Rural Housing and Community Development Service; **Pages H7332–33**

The Watt of North Carolina amendment that provides for the Secretary of Agriculture to make section 502 loans for properties in the Pine View West Subdivision located in Gibsonville, North Carolina; **Page H7333**

The Beureuter amendment that earmarks $1 million in funding for section 515 rental housing to fund loan guarantee programs for multifamily rental housing; **Pages H7333–34**

The Goodling perfecting amendment that (agreed to by a recorded vote of 230 ayes to 193 noes, Roll No. 542); **Pages H7338–40, H7344**

The Hall of Ohio amendment that strikes language that places limits on the participation level in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) (agreed to by a recorded vote of 278 ayes to 145 noes, Roll No. 543); and **Pages H7337–42, H7344–45**

The McIntosh amendment that prohibits use of funds from being used to increase the Food and Drug Administration's administrative office staff over fiscal year 1995 levels. **Pages H7371–73**

Rejected:

The Allard amendment that sought to cut approximately $12 million from various USDA offices responsible for carrying out administrative, communications, education, policy, economics, and statistical functions (rejected by a recorded vote of 196 ayes to 232 noes, Roll No. 539); **Pages H7315–18, H7329**

The Castle amendment that sought to reduce by $3 million funds for Consolidated Farm Services Agency salaries and expenses; reduce by $17 million funding for the Natural Resources Conservation Service; reduce by $20 million funding for the ''Food for Peace'' program and transfer this amount to the Rural Housing Insurance Fund account (rejected by a recorded vote of 96 ayes to 332 noes, Roll No. 540); **Pages H7319–22, H7329–30**

The Sanders amendment that sought to increase by $1 million funding for the Office of the Chief Economist; reduce by $3 million funding for the Foreign Agricultural Service; and increase by $1 million Food and Drug Administration salaries and expenses (rejected by a recorded vote of 70 ayes to 357 noes, Roll No. 541); **Pages H7322–25, H7330–31**

The Durbin amendment that sought to prohibit use of funds to carry out any extension service program for tobacco or provide crop insurance for tobacco starting with the 1996 crop (rejected by a recorded vote of 200 ayes to 223 noes, Roll No. 544); **Pages H7346–54, H7359**

The Bunning amendment that strikes funding for the Food and Drug Administration; and **Pages H7354–57, H7359**

The Lowey amendment as amended by the Minge amendment, that sought to prohibit use of funds from being used to provide deficiency or land diversion payments to anyone with an annual adjusted gross income of $100,000 or more from non-farm

sources (rejected by a recorded vote of 158 ayes to 249 noes, with 8 voting ''present'', Roll No. 545); **Pages H7359–67**

The following amendments were offered but subsequently withdrawn:

The Clayton amendment that sought to reduce funding for section 502 nonsubsidized guaranteed housing loans by $119,000 and offset the reduction by increasing funding for section 515 rental housing loans by $11 million; **Page H7333**

The Owens amendment that sought to strike the $4.3 million appropriation for the Rural Telephone Bank Program and strike language preventing any funds from being used to retire more than 5 percent of the Class A stock of the Rural Telephone Bank. **Pages H7334–36**

The Obey amendment that sought to prohibit use of funds for salaries of personnel who carry out a market promotion program or provide assistance to organizations with gross annual sales of $20 million or more unless that organization is a cooperative; and **Pages H7357–59**

The Zimmer amendment that sought to prohibit use of funds for salaries of personnel who carry out a market promotion program and reduce by $110 million funds for ''Commodity Credit Corporation Fund—Reimbursement for Net Realized Losses''. **Pages H7358–59, H7367**

It was made in order that during further consideration of H.R. 1976 on Friday, July 21, 1995, after disposition of any questions earlier postponed under the authority granted by the order of the House of July 19, 1995, no further amendment shall be in order except the following: (1) the amendment of Representative Zimmer, to be debatable for 60 minutes; (2) the amendment of Representative Obey, to be debatable for 10 minutes; (3) the amendment of Representative Kennedy of Massachusetts, to be debatable for 20 minutes; and (4) the amendment of Representative Deutsch, to be debatable for 20 minutes; and further that each amendment—(1) may be offered only in the order specified; (2) may be offered only by the specified proponent or a designee; (3) shall be considered as read; (4) shall be debatable for the time specified, equally divided and controlled by the proponent and an opponent; (5) shall not be subject to amendment (except as specified); and (6) shall not be subject to a demand for division of the question in the House or in the Committee of the Whole; and further that when proceedings resume after postponement on the amendment offered by Representative Hoke, that amendment shall again be debatable for 10 minutes equally divided and controlled by the proponent and an opponent. **Pages H7367–68**

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on page H7379.

Quorum Calls—Votes: Two yea-and-nay votes and eight recorded votes developed during the proceedings of the House today and appear on pages H7301–02, H7306–07, H7328–29, H7329, H7329–30, H7330–31, H7344, H7345, H7359, and H7366–67. There were no quorum calls.

Adjournment: Met at 10 a.m. and adjourned at 12:40 a.m. on Friday, July 21.

Committee Meetings

LABOR—HHS—EDUCATION APPROPRIATIONS

Committee on Appropriations: Began markup of the Labor, Health and Human Services, and Education appropriations for fiscal year 1996.

Will continue tomorrow.

SUBPOENAS—MADISON GUARANTY SAVINGS AND LOAN ASSOCIATION

Committee on Banking and Financial Services: Approved a motion authorizing the Chairman to apply for a writ of habeas corpus ad testificandum, and if necessary, to issue a subpoena to secure presence and testimony of former Associate Attorney General Webster Hubbell at the upcoming hearings on Madison Guaranty Savings and Loan Association.

CORRECTIVE ACTION CLEANUP PROGRAM

Committee on Commerce: Subcommittee on Commerce, Trade, and Hazardous Materials held a hearing on the Corrective Action Cleanup Program under the Resources Conservation and Recovery Act and its relationship to the Superfund Program, including the following bills: H.R. 2036, Land Disposal Program Flexibility Act; and H.R. 1696, to authorize the Administrator of the Environmental Protection Agency to exempt certain small land fills from the ground water monitoring requirements contained in landfill regulations promulgated by the Agency. Testimony was heard from Representative Cooley; Mike Shapiro, Office Director, Office of Solid Waste, EPA; Katherine Sharp, Environmental Programs Administrator, Waste Management Division, Department of Environmental Quality, State of Oklahoma; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Economic and Educational Opportunities: Ordered reported amended the following bills: H.R. 1594, Pension Protection Act of 1995; H.R. 1225, to amend the Fair Labor Standards Act of 1938 to

exempt employees who perform certain court reporting duties from the compensatory time requirements applicable to certain public agencies; and H.R. 1114, to authorize minors who are under the child labor provision of the Fair Labor Standards Act of 1938 and who are under 18 years of age to load materials into balers and compactors.

OVERSIGHT

Committee on Government Reform and Oversight: Subcommittee on government Management, Information, and Technology held an oversight hearing on the Administration's progress on the Post-Federal Telecommunications System (Post-FTS2000) Acquisition program. Testimony was heard from the following officials of the GSA: Roger W. Johnson, Administrator; and Robert J. Woods, Associate Administrator for FTS2000.

FEDERALISM DEBATE: WHY DOESN'T WASHINGTON TRUST THE STATES?

Committee on Government Reform and Oversight: Subcommittee on Human Resources and Intergovernmental Relations held a hearing on The Federalism Debate: Why Doesn't Washington Trust the States? Testimony was heard from Richard Nathan, Commissioner, Advisory Commission on Intergovernmental Relations; Julie Belaga, former Regional Administrator, EPA; and public witnesses.

FUTURE OF PEOPLE'S REPUBLIC OF CHINA

Committee on International Relations: Subcommittee on Asia and the Pacific held a hearing on the Future of the People's Republic of China: Perspectives on the Post-Deng Xiaoping Era. Testimony was heard from Kent Wiedemann, Deputy Assistant Secretary, East Asian and Pacific Affairs, Department of State; and public witnesses.

AUTHORIZATION AND OVERSIGHT CIVIL RIGHTS DIVISION—DEPARTMENT OF JUSTICE

Committee on the Judiciary: Subcommittee on the Constitution held a hearing regarding the authorization and oversight of the Civil Rights Division of the U.S. Department of Justice. Testimony was heard from Deval Patrick, Assistant Attorney General, Civil Rights Division, Department of Justice; and public witnesses.

OVERSIGHT—WACO

Committee on the Judiciary: Subcommittee on Crime and the Subcommittee on National Security, International Affairs, and Criminal Justice of the Committee on Government Reform and Oversight continued joint oversight hearings on Federal Law Enforcement Actions in Relation to the Branch Davidian Compound in Waco, Texas. Testimony was heard from Wade Ishimoto, Sandia National Laboratories; John Koonce, Drug Enforcement Administration, Department of Justice; the following officials of the Department of Defense: Ambassador H. Allen Holmes, Assistant Secretary, Special Operations in Low-Intensity Conflict; Maj. Gen. John M. Pickler, USA, Commander, Joint Task Force-6; Brig. Gen. Michael Huffman, USA, Assistant Judge Advocate, U. S. Army Special Forces Command; and Chris Crane, Special Forces Group; the following officials of the Department of the Treasury: Lewis Merletti, Deputy Director, Department Review Team; and William Buford, Bureau of Alcohol, Tobacco and Firearms.

Hearings continue tomorrow.

IMMIGRATION IN THE NATIONAL INTEREST ACT

Committee on the Judiciary: Subcommittee on Immigration and Claims approved for full Committee action the introduction of a clean bill in lieu of H.R. 1915, Immigration in the National Interest Act of 1995.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks, Forests and Lands held a hearing on the following bills: H.R. 1838, to provide for an exchange of lands with the Water Conservancy District of Washington County, UT; H.R. 1581, to require the Secretary of Agriculture to convey certain lands under the jurisdiction of the Department of Agriculture to the City of Sumpter, Oregon; H.R. 207, Cleveland National Forest Land Exchange Act of 1995; H.R. 1163, to authorize the exchange of National Park Service land in the Fire Island National Seashore in the State of New York for land in the Village of Patchoque, Suffolk County, New York; H.R. 1585, Modoc National Forest Boundary Adjustment Act; H.R. 1784, to validate certain conveyances made by the Southern Pacific Transportation Company within the cities of Reno, NV, and Tulare, CA; and H.R. 1922, to provide for the exchange of certain lands in Gilpin County, CO. Testimony was heard from Representatives Cooley, Thomas, Skaggs, Calvert and McInnis; the following officials of the Department of the Interior; Denis Galvin, Associate Director, Planning Professional Services, National Park Service; Maitland Sharpe, Assistant Director, Resource Assessment and Planning, Bureau of Land Management; and Janice McDougle, Associate Deputy Chief, Forest Service, USDA.

CENTRAL VALLEY PROJECT REFORM ACT

Committee on Resources: Subcommittee on Water and Power Resources held a hearing on H.R. 1906, Central Valley Project Reform Act of 1995. Testimony was heard from Senator Bradley; Representatives Herger, Thomas, Fazio and Riggs; Daniel P.

Beard, Commissioner, Bureau of Reclamation, Department of the Interior; and public witnesses.

DEFICIT REDUCTION TRUST FUND

Committee on Rules: Ordered reported amended, by voice vote, H.R. 1162, to establish a deficit reduction trust fund and provide for the downward adjustment of discretionary spending limits in appropriation bills.

FEDERAL ACQUISITION STREAMLINING ACT IMPLEMENTATION

Committee on Small Business: Held a hearing regarding the implementation of PL 103–355, Federal Acquisition Streamlining Act of 1994. Testimony was heard from David E. Cooper, Associate Director, Acquisition Policy, Technology and Competitiveness, National Security and International Affairs Division, GAO; and Jere Glover, Chief Counsel for Advocacy, SBA.

COMMITTEE BUSINESS

Committee on Standards of Official Conduct: Met in executive session to consider pending business.

AVIATION RELATIONS BETWEEN UNITED STATES AND JAPAN

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on Aviation Relations Between the United States and Japan. Testimony was heard from public witnesses.

GSA COURT CONSTRUCTION PROGRAM

Committee on Transportation and Infrastructure: Subcommittee on Public Buildings and Economic Development held a hearing on GSA Court Construction Program. Testimony was heard from Representatives Lazio, Ortiz, Peterson of Florida and Clyburn; Robert Broomfield, U.S. District Judge, Phoenix, Arizona and Chairman, Committee on Security, Space, and Facilities, Judicial Conference of the United States; and Thurman Davis, Acting Deputy Administrator, GSA.

SAVING MEDICARE AND BUDGET RECONCILIATION ISSUES

Committee on Ways and Means: Subcommittee on Health continued hearings on Saving Medicare and Budget Reconciliation Issues. Testimony was heard from Representatives Cardin, McDermott, McCrery, Stenholm, Roberts, Gunderson, and Poshard; Bruce Vladeck, Administrator, Health Care Financing Administration, Department of Health and Human Services; and public witnesses.

Hearings continue July 25.

YUGOSLAVIA BRIEFING

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Yugoslavia. The Committee was briefed by departmental witnesses.

COMMITTEE MEETINGS FOR FRIDAY, JULY 21, 1995

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Finance, to hold hearings to examine foreign tax issues, including the deferral of income tax on the earnings of U.S. businesses operating overseas, section 956A of the Internal Revenue Code, and the tax treatment of passive foreign investment companies and foreign sales corporations; to be followed by hearings on pending nominations, 9:30 a.m., SD–215.

Committee on Foreign Relations, to hold hearings on the nomination of Mark D. Gearan, of Massachusetts, to be Director of the Peace Corps, 11 a.m., SD–419.

Committee on the Judiciary, to hold hearings to examine certain activities of the Bureau of Alcohol, Tobacco, and Firearms of the Department of the Treasury, and recent events in Tennessee, 10 a.m., SH–216.

Committee on Rules and Administration, business meeting, to mark up S. Res. 126, to amend the Senate gift rule, 9:30 a.m., SR–301.

House

Committee on Appropriations, to continue markup of the Labor, Health and Human Services, and Education Appropriations for fiscal year 1996 and to mark up the Defense appropriations for fiscal year 1996, 8:15 a.m., 2360 Rayburn.

Committee on Commerce, Subcommittee on Energy and Power, hearing on H.R. 1663, Waste Isolation Pilot Plant Land Withdrawal Amendment Act, 9:30 a.m., 2322 Rayburn.

Subcommittee on Health and Environment, hearing on Research Efforts with Respect to Combating Parkinson's Disease and Other Neurological Disorders, 9:30 a.m., 2123 Rayburn.

Subcommittee on Oversight and Investigations, hearing on the Implementation and Enforcement of the Clean Air Act Amendments of 1990, with emphasis on provisions of Title III of the Act relating to the control of Hazardous Air Pollutants, 10 a.m., 2325 Rayburn.

Committee on Government Reform and Oversight, Subcommittee on National Security, International Affairs, and Criminal Justice, and Subcommittee on Crime of the Committee on the Judiciary, to continue joint oversight hearings on Executive Branch Conduct regarding the Matter of the Branch Davidians, 9:30 a.m., 2141 Rayburn.

Committee on Rules, to consider the following: H.R. 70, to permit exports of certain domestically produced crude oil; and H.R. 2076, making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies programs for the fiscal year ending September 30, 1996, 10 a.m., H–313 Capitol.

Committee on Standards of Official Conduct, executive, to take testimony regarding the ethics investigation of Speaker Gingrich, 10:30 a.m., HT–2M Capitol.

Next Meeting of the SENATE

9 a.m., Friday, July 21

Senate Chamber

Program for Friday: Senate will begin consideration of H.R. 1817, Military Construction Appropriations, 1996.

At 10:20 a.m., Senate will resume consideration of H.R. 1944, Emergency Supplemental/Rescissions, 1995.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Friday, July 21

House Chamber

Program for Friday: Rule and general debate on H.R. 2002, Transportation Appropriations for fiscal year 1996 (open rule, 1 hour of general debate); and

Complete consideration of H.R. 1976, Agriculture Appropriations for fiscal year 1996.

Extensions of Remarks, as inserted in this issue

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