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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. RADANOVICH].

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 26, 1995.

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

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

May the strength of faith move us forward toward the goals of justice; may the energy of hope encourage us to meet the future with confidence; and may the power of love unite us within the bonds of peace. We place before You, O gracious God, the concerns of our hearts and the decisions that are before us, asking that Your spirit will lead us and guide us along life's way. In Your name, we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from North Carolina [Mrs. MYRICK] come forward and lead the House in the Pledge of Allegiance.

Mrs. MYRICK led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

S. 1060. An act to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize Members for 1-minute speeches after the joint meeting of Congress, which will begin at 11 a.m.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, July 13, 1995, the House will stand in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 2 minutes a.m.), the House stood in recess subject to the call of the Chair.

☐ 1050

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY HIS EXCELLENCY KIM YONG-SAM, PRESIDENT OF THE REPUBLIC OF KOREA

The Speaker of the House presided.

The Assistant to the Sergeant at Arms, Bill Sims, announced the President pro tempore of the Senate (Mr. THURMOND) and Members of the U.S. Senate who entered the Hall of the House of Representatives, the President pro tempore of the Senate taking the chair at the left of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort His Excellency Kim Yong-sam into the Chamber:

The gentleman from Texas, [Mr. ARMEY];

The gentleman from Texas, [Mr. DELAY];

The gentleman from Ohio, [Mr. BOEHNER];

The gentleman from California, [Mr. COX];

The gentlewoman from Nevada, [Mrs. VUCANOVICH];

The gentleman from New York, [Mr. GILMAN];

The gentleman from Nebraska, [Mr. BEREUTER];

The gentleman from New York, [Mr. SOLOMON];

The gentleman from California, [Mr. KIM];

The gentleman from Missouri, [Mr. GEPHARDT];

The gentleman from Michigan, [Mr. BONIOR];

The gentleman from California, [Mr. FAZIO];

The gentlewoman from Connecticut, [Mrs. KENNELLY];

The gentleman from California, [Mr. BERMAN];

The gentleman from Pennsylvania, [Mr. MURTHA];

The gentleman from Pennsylvania, [Mr. FOGLIETTA];

The gentleman from New Mexico, [Mr. RICHARDSON];

The gentleman from New York, [Mr. ACKERMAN];

The gentleman from California, [Mr. BECERRA]; and

The gentleman from Texas, [Mr. DOGGETT].

The PRESIDENT pro tempore of the Senate. The President pro tempore of

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort His Excellency Kim Yong-sam into the House Chamber:

The Senator from Kansas [Mr. DOLE];

The Senator from Mississippi [Mr. COCHRAN];

The Senator from North Carolina [Mr. HELMS];

The Senator from Rhode Island [Mr. CHAFEE];

The Senator from Virginia [Mr. WARNER];

The Senator from Alaska [Mr. MURKOWSKI];

The Senator from Wyoming [Mr. THOMAS];

The Senator from South Dakota [Mr. DASCHLE];

The Senator from Rhode Island [Mr. PELL];

The Senator from Hawaii [Mr. INOUYE];

The Senator from Georgia [Mr. NUNN];

The Senator from Ohio [Mr. GLENN]; and

The Senator from Virginia [Mr. ROBB].

The Assistant to the Sergeant at Arms announced the Ambassadors, Ministers, and Chargés d'Affaires of foreign governments.

The Ambassadors, Ministers, and Chargés d'Affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

At 11 o'clock and 3 minutes a.m., the assistant to the Sergeant at Arms announced His Excellency Kim Yong-sam, President of the Republic of Korea.

The President of the Republic of Korea, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

(Applause, the Members rising.)

The SPEAKER, Members of the Congress, it is my great privilege and I deem it a high honor and a personal pleasure to present to you His Excellency Kim Yong-sam, President of the Republic of Korea.

(Applause, the Members rising.)

ADDRESS BY HIS EXCELLENCY KIM YONG-SAM, PRESIDENT OF THE REPUBLIC OF KOREA

HIS EXCELLENCY KIM YONG-SAM. Mr. Speaker, Mr. President, distinguished Members of the Senate and the House, ladies and gentlemen, I am deeply grateful to all of you for giving me the honor of addressing you in this historic Chamber of democracy, which represents the great American people.

As I stand here now, I feel as comfortable as if I were warmly meeting old friends in my hometown. This is probably because our own National Assembly became like a second home to me, since I served in it for nearly 40 years, after being elected for the first time at the age of 25. Furthermore, I have always felt an affinity with this august body for your unwavering support in the course of our long and painful struggles for the democratization of the Republic of Korea. For that I am deeply grateful.

We Koreans feel a very warm sense of friendship toward the American people, who have always stood beside us as we built Korea into the country it is today, with blood, sweat and tears. At the same time, we earnestly hope that these ties of solidarity between our two countries will continue to mature as we approach the new century, which is opening new horizons for all humanity.

Mr. Speaker, Mr. President, the end of World War II in 1945 brought the blessings of liberation and independence to the Korean people. However, that was short-lived, since we soon were faced with the historic misfortune of national division, and 5 years later, the tragedy of fratricidal war.

Faced with the vestiges of colonial rule, the legacies of poverty, the ruins of war and the threat of communism, the Korean people set out to build a country. We moved forward with great hope for the future and a determination to achieve prosperity. It is this hope and determination that have fueled us as we have striven tirelessly for the past 40 years. And it is this hope and determination which have created today's Republic of Korea, a country which started out as one of the poorest in the world but which today is the world's 11th biggest economic power.

More important than all our other achievements, however, is that democracy has now fully blossomed in Korea. The division of the Korean Peninsula and the military confrontation between the South and the North have cast long dark shadows over the flowering of Korean democracy. Nonetheless, after a long and tenacious struggle for freedom and dignity, the people of the Republic of Korea were able to finally open an era of civilian-ruled democracy.

Over the last 2 years, we have poured all our efforts into bold changes and reforms to eradicate the ills left over from the era of military dictatorship and to build a truly democratic society. We have poured all our efforts into bold changes and reform, to build a true democracy in Korea. Beginning last year, we launched our segyehwa, or globalization, policy and have been striving to turn our country into one which can make a greater contribution to the prosperity and well-being of the global community.

This is the story of the Republic of Korea, a country which began with nothing but bare hands and courage but managed to achieve democratization and industrialization in a short period of time, a country now proudly marching out toward the world and into the future.

Members of Congress, the Republic of Korea's success is, above all, the fruit of peace. If peace had not been maintained on the Korean Peninsula, the Korean people would not be able to enjoy the freedom and prosperity they have today. Peace, however, is something which must be purchased at a high price. Many young Americans shed their blood on the Korean Peninsula. Tomorrow will be a meaningful and emotional day, since all of us will gather to honor once again the Korean war heroes. The Korean War Veterans Memorial, which will be dedicated tomorrow, the 42d anniversary of the Korean war armistice, eloquently testifies to how precious peace is.

On behalf of the Korean people, I would like to take this opportunity to pay my respects to the memory of those young Americans who sacrificed their lives on Korea's battle front and express deep gratitude to all those brave soldiers who took part in the Korean war.

Just before I came to this Chamber, I had a chance to meet some of the Korean war veterans, and I would like to take this opportunity to pay my respects to the 28 Members of Congress who participated in the Korean war as young American soldiers. At the same time, I extend the gratitude of the Korean people to all the American soldiers who have guarded our Republic's frontline over the last 40-odd years and to their families.

Only a half century ago, our two countries felt very far apart, separated by the Pacific Ocean. Now we have become the closest friends. Instead of aid being given in only one direction, we have now forged a mature partnership where we help each other reciprocally, as we together strive toward continued freedom and prosperity.

The seeds of friendship our two countries have jointly nurtured have yielded a rich harvest. the success of our Republic is a joint victory of the people of Korea and the United States.

Mr. Speaker, Mr. President, and Members of Congress, the curtain has already been raised on the Asia-Pacific era. The Republic of Korea and the United States must open this era and reap its benefits even more fully through stronger solidarity.

The Asia-Pacific region has emerged as a new powerhouse of global development on the strength of its vigorous and sustained growth. This has been made possible by the United States long-term maintenance of stability and peace within the region. For the Asia-Pacific era to fully blossom, the United States must continue to play this role. Above all, safeguarding peace on the Korean Peninsula, situated at the heart of Northeast Asia, has become the key to the stability of the entire region.

More than 1.5 million heavily armed troops stand in sharp confrontation on the Korean Peninsula, the last remaining theater of the cold war. For over 40 years, the United States forces in Korea have made a decisive contribution to deterring war and preserving peace on the Korean Peninsula.

I would like to make it very clear to all of you today, to maintain peace in the Korean Peninsula and to maintain stability in the Asia-Pacific region, the United States forces in the Republic of Korea is necessary. The heightening of tension over the North Korean nuclear issue illustrates how potentially unstable the Korean Peninsula can be. We support the Kuala Lumpur accord reached between the United States and North Korea on the nuclear issue. Joint Korea-United States efforts to resolve the North Korean nuclear problem must be solidly maintained until all suspicions about North Korea's nuclear development have been removed. Accordingly, the Korean Government will exert its utmost efforts to ensure that the United States-North Korea agreed framework signed in Geneva is faithfully implemented.

Mr. Speaker, Mr. President, peace on the Korean Peninsula can only take root through dialog and cooperation between the South and the North, the two parties directly concerned. Without dialog, nothing can be accomplished. I am thus grateful that both the President and Congress have stressed the central importance of the South-North dialog.

We are exerting our utmost efforts to make this year a historic year, one which sees the opening of a new chapter in South-North relations, as we mark the 50th anniversary of Korea's joyous liberation, as well as its tragic national division. The Republic's unification policy aims to ultimately make Korea one nation and one state by gradually restoring a sense of national community through peaceful coexistence, reconciliation, and cooperation with the North. To that end, stability in North Korea is indispensable; therefore, we are pursuing a joint national development plan designed to promote the mutual prosperity of the South and the North. It is for this reason that the Republic is planning to shoulder the brunt of the costs of providing North Korea with the Korean-model light-water nuclear reactors and playing a central role in the overall project.

For the same reason, we are expanding South-North economic cooperation. Purely out of compassion for our Northern brethren, we are also providing rice to North Korea to help alleviate their difficult food situation. No matter how long and rough the road leading to the unification of the Korean Peninsula may be, we will continue to travel that road patiently but without rest. When the day comes that the Korean Peninsula finally becomes one nation again, genuine peace and prosperity will finally prevail in Northeast Asia.

This unified Korea, I believe, will make a major contribution to the progress of global civilization and the prosperity of all mankind.

Members of Congress, to foster the prosperity of the entire Asia-Pacific region, we must make sure that the ideals of free trade and liberalization take root throughout the region. After World War II, the open markets of the Free World, under the leadership of the United States, were a critical factor in reducing poverty and defeating Communism.

Korea has indeed benefited greatly from free trade. I believe that all countries in the Asia-Pacific region should also benefit from free trade. It is precisely for this reason that, together with President Clinton, I have been devoting particular efforts to the development of the APEC forum. The Korean Government is also actively supporting multilateral cooperation under the new WTO system.

The United States is our Republic's biggest trading partner, while Korea has grown to be America's sixth largest market. Last year, bilateral trade exceeded U.S. $40 billion, and it will soon reach the $50 billion level. Korean-United States trade has generally been balanced, although recently Korea's trade deficit with the United States has risen rapidly.

Through our segyehwa, or globalization policy, the Korean Government has been actively promoting openness and autonomy in the economy and every other sector of society. We will continue to pursue our policy of liberalization in earnest and, by joining the OECD, we will raise our degree of openness to the level of the advanced countries. Among the developing countries, Korea has been liberalizing its markets at the fastest rate. As we continue to pursue autonomy and openness in the future, the Republic will become an even stronger partner of the United States in boosting the prosperity of the entire Asia-Pacific region.

Mr. Speaker, Mr. President, and Members of Congress, a new world is unfolding before us in the 21st century. The importance of the role of the United States, however, has not diminished.

The Republic of Korea will expand its role and responsibilities in the international community. We plan to expand our assistance to developing countries drawing upon our past development experiences and also actively participating in international efforts to solve global problems.

The Korean people are filled with the hope that the cooperation between our two countries in preparation for the Asia-Pacific era of the 21st century will help turn the wheels of history swiftly forward. We are filled with determination to build a unified Korea and work with the American people as partners in peace and prosperity and thereby make a greater contribution to the world and to humanity.

This is the message from the Korean people I wish to deliver to you today. I am certain that you will recognize these sentiments, for they are the same as those which forged the American spirit and built such a great nation in the New World.

Let us march forward together shoulder to shoulder. Let us together open a new century and a new world that will abound with limitless dreams, hopes and possibilities.

Many things have their limitations, but not the yearning of humanity for peace and prosperity. Like our friendship, it is boundless.

Thank you very much.

(Applause, the Members rising.)

At 11 o'clock and 44 minutes a.m., the President of the Republic of Korea, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The assistant to the Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The Ambassadors, Ministers, and Chargés d'Affaires of foreign governments.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 11 o'clock and 45 minutes a.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will continue in recess until 12:15 p.m.

□ 1215

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. RADANOVICH) at 12:15 p.m.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain ten 1-minutes on each side.

FACTS CONCERNING MEDICARE

(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, today, as for the past several months, Members will hear during these 1-minute speeches various screams of anguish about the Medicare system, particularly from the other side of the aisle.

Today I come here as a scientist, because I am interested in the facts. I

come here as someone who is just a few years from retirement, with a personal interest in having a Medicare system that will last.

Let us look at the facts. The trustees of the Medicare system have said that the system will be bankrupt in 7 years if we do not do something about it: Fact 1.

Fact No. 2: The costs of the Medicare system are rising roughly 2½ times as fast as they are rising in private sector insurance. That is fact No. 2.

Fact No. 3: is that the revenue coming into the Medicare system this year for the first time is going to fall behind the money being spent by the Medicare system. That is fact No. 3.

The Republicans have no plans to cut Medicare. In fact, we want to preserve it. That is fact No. 4.

What do we want to do? Frankly, from my perspective, we want to improve Medicare. We want to have it persist. We want to give people choices, HMO's and other things. We want competition, we want efficiency, and we want a better system. That is what we are going to work for.

MEDICARE CUTS: WHY PICK ON OUR GRANDPARENTS FIRST?

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

Ms. KAPTUR. Mr. Speaker, this week America celebrates the 30th anniversary of Medicare. Thirty years ago, Medicare brought to our senior population, for the first time, health security they never enjoyed before. They knew that whatever their circumstances, medical care would be available if they suffered from sickness or accident.

All that is threatened now. The majority party's budget does wage war on Medicare. It cuts $270 billion from Medicare to finance tax breaks for the privileged few. Seniors will lose their choice of physician unless they can afford to pay more. Everybody in this place can, because they earn $130,000 a year. Their budget will provide seniors cut-rate, substandard medical care unless they can afford to pay more. Their proposed cuts will deprive seniors of the security Medicare now provides, unless they can afford to pay more.

To curb costs, why not rein in rising insurance company premiums costs, along with hospital costs and prescription drug costs? Why pick on our grandparents first? Let us not let America backpedal into the 21st century.

TOP 10 NICKNAMES FOR LIBERAL PLAN FOR MEDICARE

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

Mr. HAYWORTH. Mr. Speaker, quickly, we are not out to cut Medicare, we are out to save it and improve it. That is the key difference.

Mr. Speaker, from the home office in Scotsdale, AZ, we have the top 10 nicknames for the liberal plan for Medicare, or the lack thereof:

No. 10: The X Files Plan.

No. 9: The Mediscare Plan.

No. 8: The Let-It-Go-Broke Plan.

No. 7: The Blank Page Plan.

No. 6: The Stick-Your-Head-in-the-Sand Plan.

No. 5: The We-Don't-Need-No-Stinking-Plan Plan.

No. 4: The Extra Top Secret ''We Don't Even Know it Ourselves'' Plan.

No. 3: The Change-the-Subject Plan.

No. 2: The ''Bash Conservative Republicans, Ignore the Solution'' Plan.

And the No. 1 nickname for the liberal plan on Medicare: The Invisible Plan.

□ 1220

AFFIRMATIVE ACTION

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

Mr. FRANKS of Connecticut. Mr. Speaker, I am a product of good affirmative action. Aggressive outreach programs represent good affirmative action.

Discrimination unfortunately does exist in this country. We must identify those who break antidiscrimination laws and we must punish them swiftly and severely.

Quotas, set-asides, and race norming are all related. They are close cousins. I abhor them all.

Race norming was eliminated in 1991; quotas are despised by everyone; and set-asides, which like quotas refers to proportional representation, should also be banned.

They attempt to help minorities and women but they create racial tension and they stigmatize their benefactors as products of a flawed system.

Seventy-seven percent of African-Americans oppose preferential treatment for minorities, according to a Gallup Poll.

There is nothing wrong with having goals coupled with rigorous outreach, but race and gender-based set-asides are wrong.

SPEAKER'S STATEMENT CALLED IRRESPONSIBLE

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

Mr. LEVIN. Mr. Speaker, I believe that this is the first time I have spoken on the floor this year about a statement of the Speaker, but I feel compelled to do so today.

His comment yesterday that he is not convinced that Vincent Foster committed suicide was highly irresponsible.

There is no evidence to support the notion that the death of Vincent Foster was not a suicide. It is not a subject to inquiry in the hearing now under way in this Congress.

The Speaker has shot from the hip before, but when it comes to matters of life and death, there is no good excuse.

No one, especially a Government official and surely the Speaker, can be too busy to think about the ramifications of what he says before he talks.

I urge the Speaker to reflect further and withdraw his comment. We need to appeal to the better instincts of our citizenry and not to reinforce or encourage, inadvertently or not, those who try to spread paranoia or unfounded conspiracy theories for whatever purpose, political or otherwise.

HAITI

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

Mr. BALLENGER. Mr. Speaker, earlier this year, I was approached by a group of Haitians requesting aid for their ailing nation. The group included Duly Brutus, a member of the opposition party, and also Josette Bouto, the mayor of a small town in northern Haiti. They painted a graphic picture of devastating conditions in Haiti.

The mayor had a special request of pencils and paper for the poor school in her town of Limbe. With the help of pencil and paper manufacturers, I secured the contribution of 800,000 sheets of paper and 5,500 pencils that were shipped on July 14 by the AID. The educational materials will be distributed in towns and schools in dire need of them, particularly the small town of Limbe.

This week, I learned of the arrest of Mr. Brutus. He is charged with allegedly committing arson, although many believe that because Mr. Brutus was active in opposing President Jean Paul Aristide, he may be a political prisoner. This arrest has added validity to election observers' statements that fraud and abuse in Haiti's political system is widespread. Furthermore, I have learned that the school in Limbe that was to receive the small contributions was burned to the ground.

These incidents illustrate how far from democracy Haiti is and how long a journey it must make. Although I fear an increased United States presence there, we must continue to support peace and democracy in Haiti and in our hemisphere.

IRS AND STRAIGHTENING OUT THE TAX MESS

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

Mr. TRAFICANT. The IRS said our goal is to learn how taxpayers cheat so

we are going to conduct 153,000 additional special audits of American taxpayers that will cost them $1.5 billion.

Check this out. You file a joint return, they demand to see the marriage license. You claim children, they demand the birth certificates. They demand all household expenses and want a detailed list of every single financial transaction. A W–2 form is not enough. They want a special affidavit from your boss. After all this, they call it voluntary.

Beam me up.

The truth is, while Congress keeps turning the other cheek on the IRS, the IRS keeps turning the screws on the American people.

Let us get down to business and straighten this tax mess out.

MEDICARE: THE REPUBLICAN VIEW

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

Mr. DAVIS. Mr. Speaker, since taking control of Congress, Republicans have proven that politicians can go to Washington and actually keep their word. We have not ducked the tough issues and we are not going to start now.

This spring, the Medicare trustees reported that Medicare will go broke in 7 years. Since then, Republicans have faced this issue head-on. We have not tried to duck or hide like some of the Members on the other side of the aisle have. But, you see, many of these Members cannot help it. They are the remnants of the old Washington establishment which was rejected by the voters last November, where it was standard operating procedure to avoid the tough issues, to look the other way, and to run from responsibility. It is outside of their political world view to meet an issue head-on, to take a tough position, to show leadership, and follow through with commonsense solutions.

Medicare is going bankrupt. It may be 30 years old this week, but it is condemned to death at age 37 unless action is taken.

Republicans are working to protect and strengthen Medicare. We ask the Democrats to join us. This is too important an issue to fall into partisan bickering.

TOP 10 REPUBLICAN REASONS TO CUT MEDICARE

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

Mr. ENGEL. Mr. Speaker, from the home office of New York's 17th Congressional District in the Bronx, here are the top 10 reasons why Republicans want to cut Medicare:

No. 10, a Republican memo says older Americans are pack oriented and want to follow a leader;

No. 9, on the 30th anniversary of Medicare, Republicans say don't trust anybody or anything over 30;

No. 8, Republicans need the money to pay for a big tax cut for the wealthy;

No. 7, $270 billion in cuts is a nice round number;

No. 6, Republicans want seniors to choose between buying food and buying medicines;

No. 5, according to DICK ARMEY, Medicare is a program that he would have no part of in a free world;

No. 4, Republicans want to balance the budget on the backs of the middle class;

No. 3, Republicans think if 40 million Americans don't have health care, why should seniors?

No. 2, Republicans want to see seniors go from Medicare to welfare;

And the No. 1 reason why Republicans want to cut Medicare is:

Medicare, Schmedicare, Who needs health care in a brave newt world!

WASTEFUL PRACTICES COST MEDICARE BILLIONS

(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, the top 10 reasons why the Democrats cannot solve the Medicare problem is they do not tell the straight facts. I can say that 10 times, but I do not want to use all my time.

Mr. Speaker, I want to talk about waste, fraud, and abuse in the Medicare Program, because this program is spending so much money. It is alleged that almost 12 percent of the entire Medicare-Medicaid budget is rife with fraud and abuse.

Let me share some facts. In 1980 Medicare spent $34 billion. In 1990 that sum had increased to $107 billion. In 1995 it will spend approximately $177 billion. When Willie Sutton was asked why he robbed banks, he responded, ''That's where the money is.''

Is it any wonder with billions of dollars at stake that all manner of scoundrels and ne'er-do-wells would plunder this Government bank account for all it is worth.

Over the next few weeks I plan to talk a good deal about this problem which is costing the taxpayers billions of dollars. I also plan to talk about what we can do to remedy the fraud, waste, and abuse in the Medicare Program.

MEDICARE: THE DEMOCRATIC VIEW

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

Mrs. SCHROEDER. Mr. Speaker, on Sunday I turn 55 and Medicare turns 30. I think I have got a better chance of survival than Medicare does because the Republicans do not have quite as much oversight on my future as they do on Medicare's.

I will tell you why they are robbing Medicare—the same reason they rob banks. That's where the money is.

Medicare needs some reforms, we know that. But you take the money you save from the reforms and you put it back in Medicare. If Medicare is in trouble, which we all agree it could be because of the rising cost of health care, you certainly do not take $270 billion out of it to fund a tax cut.

Look, this is all about a tax cut for the rich. That is all it is about. What we are saying is that it is totally unfair to take the money out of the pockets of the elderly who had planned on this, who had counted on this, and they do not want to see one more Government promise undercut.

PRESERVING MEDICARE

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

Mr. TATE. Mr. Speaker, I have not done a 1-minute on the floor for probably several weeks, but I can be silent no longer.

Every day I turn on and hear the words ''mean-spirited'' and ''callous.'' I am coming to believe that if those words were eliminated from the minority party's vocabulary, there would truly be silence on that side of the well.

Nothing could be more callous and more mean-spirited than to sit back and do nothing. All I can think of, Mr. Speaker, is retirees back in my district that are on fixed incomes. Grandmothers and grandfathers across this country that are concerned about Medicare.

What do the Democrats do? They do nothing. Absolutely nothing. They have even ignored their own President's report that came out and stated clearly that Medicare would go broke in 7 years if we do nothing. The American people deserve more than scare tactics from liberal Democrats. The American people want to preserve and to protect Medicare.

SHOW US THE PLAN

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

Mr. POMEROY. Mr. Speaker, picture yourself as a homeowner who has just entered a contract for some home repairs. What would you do if the contractor showed up, not with a pickup and some tools on the back but, rather, driving a crane with a huge wrecking ball swinging from the turret? You would say, ''Wait a minute. You don't do home repair with a wrecking ball.''

Well, that is precisely what the Republicans are proposing to do to Medicare. They are saying, ''We're here to fix it.'' But they have a $270 billion cut they intend to inflict on this program. That is like trying to fix a home with a wrecking ball. It won't work. It will

inevitably mean higher costs for seniors and restricted choice of physician.

If you were the homeowner, you would say, ''Well, wait a minute. Show me the plan on how you're going to fix my home with that wrecking ball.''

We in Congress and the seniors of this country should say, ''Wait a minute. Show us the plan in terms of how you're going to fix Medicare with that $270 billion cut.''

They have no plan. They have not shown the plan. We deserve no less.

HELP US SOLVE THE MEDICARE CRISIS

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

Mr. SOUDER. Mr. Speaker, Medicare will be bankrupt in 7 years. No amount of accusations against each other about robbing banks or telling stories is going to solve the problem. We cannot stick our heads in the sand. Medicare will go broke in 7 years. We must work together to solve the problem rather than just spit out rhetoric.

Many of you have a parent or grandparent who is 58 years of age and expecting Medicare benefits when they turn 65. They have worked hard all their lives, paid their taxes, and saved for their retirement. When they reach 65, however, and are getting ready to retire, there will be no Medicare waiting for them.

Mr. Speaker, for 30 years Medicare has enabled the seniors of this country to get the medical attention they need, and now the Democrats seem to want to stand by, yell a lot, but let the program die.

We Republicans will not stand for it. We are working to strengthen and preserve Medicare. I hope my Democrat colleagues will stop the rhetoric and help us solve the Medicare crisis.

DO NOT BREAK OUR 30-YEAR COMMITMENT TO SENIORS

(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, this week we celebrate the 30th anniversary of the creation of Medicare, and it is an event that is worth celebrating. Thirty years ago we made a commitment to the Nation's seniors when we said to them, ''Never again will you go without health care. Never again will you be forced to squander your life's savings to pay a doctor's bill.''

But now Medicare is in danger, real danger. The Republican budget, which cuts $270 billion from Medicare, would end Medicare as we know it today. Thirty years ago, 93 percent of the Republicans in this body opposed the creation of Medicare, and now Republicans are closing in on a 30-year goal to end what they never wanted in the first place.

In 1965 we made a deal with seniors. We said, ''You pay into this trust fund all of your working life and when you are unable to work any longer, we will use that money to pay for your health care costs.''

Seniors have kept up their end of the bargain but now Republicans want to back down on our end. Medicare is the real Contract With America and Republicans should not break it.

IF YOU CARE ABOUT SENIORS, SAVE MEDICARE

(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, as you are well aware, this is the week of the 30th anniversary of Medicare. Republicans are working hard to make sure Medicare is available over the next 30 years. We wish the President was doing the same.

Instead, President Clinton is using the White House's resources and energies, not to mention taxpayers' dollars, to raid seniors' pension funds—not to save Medicare.

By promoting economically targeted investments [ETI's], which take into consideration the investment's benefit to society rather than the financial benefit to the retiree, the Clinton administration is depriving seniors of the most profitable return from their pension fund.

The Labor Department is supposed to protect your pension fund from being raided, not be the raider. And President Clinton is supposed to care about seniors, not shaft them.

THE CONTRACT WITH AMERICA IN 1965: MEDICARE

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

Mr. ROMERO-BARCELÓ. Mr. Speaker, 30 years ago, we made a contract with the American people, particularly our elderly. We said, if you work hard and pay your Medicare taxes, you will have a guaranteed insurance program for your medical care that will free you from the threat of financial disaster in your retirement years.

The fact that one of the first things the Republicans have done since they took over Congress in January is to launch an assault on the Medicare Program by voting for $270 billion in Medicare cuts to pay for tax cuts for the wealthy should come as no surprise. The Republicans never wanted Medicare, they never liked it.

Suddenly, 30 years after they tried to block the program, they have come up with a plan for Medicare; a plan that will limit choice of doctors and hospitals, will double premiums, and will mean higher deductibles.

In just 6 months, House Republicans have passed, adopted, proposed, and drafted significant changes to the Medicare Program. Changes that will effectively take away the security that the Medicare Program represents to our seniors and that a single fact best summarizes: Before Medicare, 1 in 3 elderly Americans lived in poverty. Thirty years later, it is close to 1 in 10.

Can our elderly afford $1,650 more for premiums to cover their doctor bills? Can the elderly really afford $1,700 more for the same or less health care in 1 year alone? Will the proposed vouchers cover them against sudden premium increases if they get sick? Is it fair to make older Americans give up their doctors and be forced into managed care? As President Clinton stated yesterday, the answer to every single one of these questions is no. No.

While House Republicans believe they have devised a contract to meet the political whims of the day, Democrats made a commitment with Americans in 1965 when Medicare was enacted. Let me assure you that President Clinton and the Democrats intend to keep that commitment. Our seniors deserve no less.

MEDICARE IS A FAMILY ISSUE

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

Mr. OLVER. Mr. Speaker, on Sunday, Americans celebrate the 30th birthday of Medicare and Americans will celebrate the medical security that Medicare gives to our senior citizens.

I am sure there are people listening who just turned 30 who are thinking: ''This doesn't affect me? Why should I care?'' I'll tell you why you should care.

When the Republicans cut $270 billion from Medicare and use most of that to give tax breaks to the wealthiest handful of Americans, those cuts will make Medicare too expensive for many seniors who will have no place to turn for help except to their adult children.

How else will seniors pay a deductible that has doubled, or pay a monthly premium that has doubled, or pay a new copayment for home care? How else will they pay the specialist not covered by the managed care plan they have been forced into?

Young people cannot ignore the Republican attack on Medicare; 30-year-olds, seniors, and everyone in between should remember that Medicare is not just a seniors issue, it is a family issue.

□ 1240

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

Mr. LEWIS of Kentucky. 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 Government Reform and Oversight, the Committee on International Relations, the Committee on the Judiciary, the Committee on National Security, the Committee on Science, the Committee on Small Business, and the Permanent 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. RADANOVICH). Is there objection to the request of the gentleman from Kentucky?

Mr. SKAGGS. Mr. Speaker, reserving the right to object, it is my understanding that our Democratic leadership has been consulted on this matter and we have no objection to the request, so I withdraw my reservation of objection.

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

There was no objection.

GENERAL LEAVE

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 2076, and that I may include tabular and extraneous material.

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

There was no objection.

POSTPONING VOTES ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 2076, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that during the further consideration of H.R. 2076, pursuant to the provisions of House Resolution 198, the Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment, and that the Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

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

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore (Mr. RADANOVICH). Pursuant to House Resolution 198 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. 2076.

□ 1241

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. 2076) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes, with Mr. GUNDERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN (Mr. GUNDERSON). When the Committee of the Whole rose on Tuesday, July 25, 1995, the amendment offered by the gentleman from Maryland [Mr. HOYER] has been disposed of and title I was open for amendment at any point.

Are there further amendments to title I?

Mrs. SCHROEDER. Mr. Chairman, domestic violence is not just a private matter anymore; these private dramas are spilling out into public places, endangering family members and strangers. In Colorado alone, the following incidents have happened:

May 3, 1995: A teenage boy entered a Denver grocery store, pulled a gun on his former girlfriend, whom he had been stalking, and her friend. Police shot and killed him, only to find out it was a fake gun.

April 28, 1995: A man walked into a Denver grocery store, where he shot and killed his wife, the store director, and a sheriff's deputy who arrived on the scene. He then left the store, as customers crouched in the aisles and shielded their children. He entered the parking lot, spraying it with bullets as people ran for cover. He hit a pregnant woman in the leg; she lived. He apparently had made several threats that he was going to kill his wife. A few days earlier, she had gotten a restraining order against him, but it hadn't been served yet because there was some missing information and the court clerk couldn't reach her. She had also just filed for divorce and had received temporary custody of their son.

April 1994: A Boulder police officer was shot and killed while responding to a domestic dispute. The male suspect shot and killed himself at the scene.

April 1994: In Aurora, a man allegedly shot and killed his ex-girlfriend and her 2½-year-old son and wounded his twin brother.

July 1993: An Aurora man threatened with divorce shot his wife, crippling her, and killed her sister.

January 1988: A man shot and killed his wife outside a divorce courtroom in Littleton. He also wounded the man he thought was her lover.

January 1986: An Aurora police officer shot and wounded his wife's divorce lawyer.

My colleagues, I am very sorry we did not fully fund the Violence Against Women Act. I'm also very sorry we had to fight so hard for the money we got. It is clear that if the Congresswomen hadn't been constantly monitoring this—the amount would be zero. That is incredible when the act passed last year 421 to 0. What a difference a year makes. So there is some funding thanks to the hard work of NITA LOWEY, but we are still $50 million short. Women still must beg for every dollar.

Ms. HARMAN. Mr. Chairman, a vote to restore some of the funds to the Violence Against Women Act is a vote to fulfill only a part of the promise Congress made to help victims of domestic violence. This promise was made to make America and the home a safer place for women.

Last August, the Congress passed the Violence Against Women Act, a promise to finally treat domestic violence like the crime that it is, to improve law enforcement, to make the streets safer for women, and to vigorously prosecute perpetrators. We promised more counseling and more shelters to provide a safe haven for abused women. Now this Congress threatens to backtrack on our promise and abandon these promises to combat domestic violence.

Under the amendment, the Violence Against Women Act receives only a fraction of the promised authorization of $175 million to fund justice grants to combat violence against women. And while I appreciate the efforts of the committee to add $50 million to the bill for the program, the shortfall is still severe and I fear may be interpreted as a message to battered women that there are few resources for them, only empty promises.

A shelter in San Pedro, CA, in my district, desperately needs the money authorized in the Violence Against Women Act to implement its programs to combat domestic violence. Two women whom Rainbow Services had been helping were killed in the last 6 months—women whose lives could have been saved had they been able to stay at the shelter longer. These women came forward and tried to do the right thing, but the resources were not there to keep them away from their abusers long enough. The grants in the Violence Against Women Act money translate into saving human lives.

Rainbow Services has waiting lists for counseling, beds, and all of its other services. The number of women who come seeking help has doubled in the last 3 months since a domestic violence hotline was established in May. The increased funds from California's grant only constitutes half of what they need for their emergency response program, a program operating 24 hours a day, 7 days a week. They just received a grant for a new shelter—the first shelter for battered elderly women in the area—and the Violence Against Women Act grants are critical to its operation.

I urge my colleagues to join me in supporting the amendment to restore some funding for the Violence Against Women Act. It is critical that we keep our promise to help victims of domestic violence—they cannot wait any longer.

Ms. PELOSI. Mr. Chairman, I rise today in strong support of the amendment to increase funding for the Justice Department's violence against women programs.

Just 1 year ago, the Violence Against Women Act was passed in the House with overwhelming bipartisan support. Yet today, the funding allocation for these programs has

been reduced so drastically that it would cripple or eradicate many of the programs so recently created to address the needs of poor and abused women.

Programs covered under this funding include training for law enforcement and judiciary officials on violence issues and programs to address the serious problems of stalking and campus sexual assault against women.

How can we be satisfied with the efforts we have made to promote and address the problem of violence against women when the committee cannot see fit to fund adequately these necessary programs? This bill as written sends a clear message to the Nation that this Congress does not take violence against women seriously.

Women in danger of violence or sexual assault need our compassion, not deaf ears. I urge my colleagues to support Congresswoman LOWEY's amendment and to go on record with your commitment to the safety of America's women.

Mr. Chairman, I rise in support of the amendment offered by Mr. MOLLOHAN to H.R. 2076, the Commerce, Justice, State appropriations bill for fiscal year 1996. This amendment will provide much needed funds for community policing grants authorized by the Violent Crime Control Act of 1994.

The programs that we authorized last summer are aimed at preventing crime in our communities and have been supported by the mayors, police chiefs, and law enforcement officials throughout our country.

Mr. Chairman, it is important to acknowledge that the fight against crime requires more than simply adding prison space or new classes of punishment. It requires that we demonstrate the courage to champion the innovative programs which provide alternatives to drugs, gangs, and the random acts of violence which afflict our society. The Mollohan amendment realizes this and I urge a "yes" vote on this amendment.

AMENDMENT OFFERED BY MR. ROGERS

Mr. ROGERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS: On page 22, line 6, strike "$102,400,000" and insert "$152,400,000";

On page 22, line 13, strike "$32,750,000" and insert "$82,750,000";

On page 24, line 4, strike "$3,333,343,000" and insert "$3,283,343,000"; and

On page 24, line 6, strike "$2,000,000,000" and insert "$1,950,000,000".

Mr. ROGERS (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 Kentucky?

There was no objection.

Mr. ROGERS. Mr. Chairman, this is a noncontroversial amendment. I think it is agreed to by both sides. It moves $50 million from the local law enforcement block grant to the Violence Against Women Grant Program.

Mr. Chairman, we believe that these funds would have been spent out of the local law enforcement block grant for domestic violence programs, but moving these resources will ensure that local communities will target it to domestic violence issues.

Both the gentlewoman from New York [Ms. MOLINARI] and the gentlewoman from New York [Mrs. LOWEY] have worked closely with me and my ranking member on this amendment, and I applaud both of their efforts to pursue funding for this program and I urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. ROGERS].

The amendment was agreed to.

The CHAIRMAN. Are there other amendments to title I?

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 25, after line 24, add the following:

"*Provided further,* That if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service."

Mr. TRAFICANT. Mr. Chairman, there is an awful lot of talk about cops on the beat, but there is no provision in any of our legislation that ensures there be more cops on the beat. As an old sheriff, sometimes they hire three on the street and push three up into administrative type jobs. My amendment says that there shall be a net increase in street cops.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, we have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title I?

AMENDMENT OFFERED BY MR. MOLLOHAN

Mr. MOLLOHAN. 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. MOLLOHAN: On page 24, line 13, strike "$475,000,000" and insert "$505,000,000".

On page 24, line 18, strike "$300,000,000" and insert "$270,000,000".

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment, and all amendments thereto, close in 30 minutes, and that the time be equally divided.

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

There was no objection.

The CHAIRMAN. The gentleman from West Virginia [Mr. MOLLOHAN] will be recognized for 15 minutes and the gentleman from Kentucky [Mr. ROGERS] will be recognized for 15 minutes in opposition to the amendment.

The Chair recognizes the gentleman from West Virginia [Mr. MOLLOHAN].

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

Mr. Chairman, the amendment that I propose today to the body, I think, is about fairness in the distribution of scarce crime fighting dollars. It is really at the heart of it.

Mr. Chairman, for Members who do not know, or for whom, perhaps, it would be helpful for the purposes of this debate to refresh their memory, in the crime trust fund we have approximately $4 billion that is allocated. Mr. Chairman, out of that $4 billion, approximately a half a billion is spent on the Federal level, and that includes enhancements to the immigration initiative. It is enhancements to the FBI, to U.S. attorneys, to the DEA, to the Border Patrol, and to the Judiciary, and a number of other miscellaneous programs. Out of that $4 billion, that is about half a billion dollars.

Then, Mr. Chairman, there is about $116 million in budget authority for prevention programs. So, we are getting close up to a billion dollars there. Then, Mr. Chairman, when we go into the State and local assistance accounts, which are the biggest accounts, there is $3.3 billion.

Out of that $3.3 billion, $2 billion goes into this program, the block grants, and last night we argued strongly that that $2 billion be apportioned to the COPS Program. Then that leaves about $1.3 billion. Out of that $1.3 billion, Mr. Chairman, approximately $475 million, about half a billion dollars, is apportioned for the Byrne Grant Program.

Now, all of my colleagues know about the Byrne Grant Program. It is an extremely flexible program, getting money down to local law enforcement, which is used for a variety of purposes. There are about 21 authorized purposes for Byrne grants and they are very good, because they are very flexible. Subsequently, they are very popular.

For example, the DARE Program is funded through Byrne grants. The drug task forces are funded by Byrne grants all across this country in every State of the country. Byrne grant money is used for flexible purposes at all levels of Government. There is a half billion dollars in here for that Byrne grant money which is available to every State in the Union.

Mr. Chairman, out of that approximately $1 billion left, we take the Byrne grant out and now we have just a little more than a billion dollars. $500 million, or half a billion dollars, is appropriated in this bill to reimburse States, seven States, Mr. Chairman, and really principally one, for incarceration of illegal aliens; to pay for prison guards, if you will.

I am not suggesting during this debate, that we should not reimburse States for incarceration of illegal aliens. I think that is a proper purpose of the Federal Government within this crime trust fund. I do not object to the funding.

I do question the level of funding, because I think it is disproportionate. It

is, in fact, not fair. We have the Byrne Grant Program, which is about half a billion dollars, which is apportioned to all of the States, and we have the incarceration that goes to seven, and 80 percent of it to one State, to California.

Mr. Chairman, in committee I offered an amendment to combine these accounts. The Byrne Grant Program, money is sent out to all the States on a formula basis, based on population essentially. So, every State shares proportionately in the Byrne grant money. Every State, based on its population, receives money. We cannot get any fairer than that.

Under the Illegal Alien Program, it goes to States that incarcerate illegal aliens. The amendment that I offered in full committee would combine that money, send money to all the States, that billion dollars, and send that to all the States to be apportioned more fairly so that States have money to fight what is their particular crime problem, what is their particular priority.

Now, we lost that pretty much on a party line vote in full committee and we could not get a rule to offer it. So today this amendment that I offer is far more modest than that. Mr. Chairman, we take out of the $500 million for incarceration of illegal aliens only $30 million and we apportion it to the Byrne Grant Program which funds it at its authorized level of $505 million.

Mr. Chairman, this means more money for every State in the Union for the Byrne Grant Program. More money to every State, even the seven States that receive money from incarceration of illegal aliens.

It does mean that the incarceration of illegal alien account is reduced by $30 million. The only State in the Union that receives less total dollars is California. But let me emphasize, Mr. Chairman, California gets 80 percent of $470 million; 80 percent of $730 million if my amendment is adopted.

Mr. Chairman, it is a simple amendment, really. It is about fairness, it is doing what we can to get dollars apportioned across this country so that every jurisdiction can use these dollars for crime fighting. The benefits are set out in a handout that I will have for Members at the time of the vote, and it shows State by State, the benefit and the difference that this amendment would mean to the States and the difference is additional dollars to go into the Byrne Grant Program for local community law enforcement.

California gets $3.6 more million for Byrne grant. New York would get $2 million more for Byrne grant. Illinois would get $1.3 million more for Byrne grant. West Virginia would get $208,000 more, which may not sound like a lot of money, but $208,000 for local law enforcement is a lot of money, particularly when it is used more efficiently for the Byrne Grant Program.

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

Mr. ROGERS. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I am in opposition to the Mollohan amendment. I agree that the State and local communities need more money to fight crime. My bill already provides more resources than ever before to all State and local agencies to fight crime.

We have already increased Byrne grants by $25 million over 1995, and what the administration requested. Between the almost $2 billion local block grant program, and the $475 million Byrne formula grant program that I proposed, every State will receive approximately 5½ times more money to fight crime than they received this year; 5½ times more.

But for some States and local communities, addressing crime also means addressing the serious problems of illegal immigration, because often illegal immigration brings along with it other illegal criminal activities.

As my colleagues well know, along with addressing crime in our bill, we include a serious commitment to addressing the problem of illegal immigration. Our initiative is not only focused on controlling the borders; it is equally focused on addressing the growing population of deportable illegal aliens and is heavily weighted on the criminal illegal alien population.

Mr. Chairman, I agree that we should not just give money to the States to reimburse them for the costs they are incurring without having a strong plan to address the underlying problem. This is a Federal responsibility and we are responsible for getting it under control.

This bill, and the resources included in 1994 and 1995, provided during times when the subcommittee was under the watch of the gentleman from West Virginia, will significantly strengthen our ability to address illegal immigration.

Our hope is that States' burdens will decline as our efforts are successful in dealing with this problem. My bill attempts to address the costs that States bear as a result of crimes committed by aliens. The Department of Justice tells me that these resources will be available to all States based on the level of incarcerated illegal aliens.

Mr. Chairman, I oppose the Mollohan amendment and urge the Members to reject it.

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

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. LEVIN] who worked so very hard on the Byrne amendment last year, the Super-Byrne program. He worked with our colleagues and created a real awareness for this program with the amendment. He did an excellent job.

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

Mr. LEVIN. Mr. Chairman, the Byrne program is built on one of the strongest principles I know: United we stand; divided we fall. It helps us fight the scourges of drugs and crime united as one.

DARE is a good example of a partnership that unites parents, teachers, students, and police to keep our kids off drugs.

When I was in the Sterling Heights DARE class some time ago, I saw a young officer with enormous energy who had developed personal rapport with the kids in his class. DARE means a lot to the children in my home communities.

It also supports multijurisdictional task forces which unite law enforcement from all levels: county, State, and local. Criminals do not respect city limits, so these partnerships, like our local Combined Oakland-Macomb Enforcement Team, otherwise known as COMET, and our Narcotics Enforcement Team, otherwise known as NET, enable our law enforcement officials to pool resources and information across city lines.

Last year, my friends, the gentleman from Michigan [Mr. STUPAK] and the gentleman from New York [Mr. RANGEL], and I gathered support of over 150 Members from both sides of the aisle in support of this program. I understand the need and Federal responsibility for criminal illegal alien incarceration. There is an increase here of 250 percent.

So, as a matter of priorities I believe we can afford this modest increase in Byrne without losing anything vital in our commitment to assiting the States with criminal illegal alien incarceration. We must never forget the frontline local enforcement people working to make our towns and our cities safer; to give our kids the heroes they deserve.

Vote for the Mollohan amendment.

□ 1300

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. SMITH], chairman of the Subcommittee on Immigration and claims of the Committee on the Judiciary.

Mr. SMITH of Texas. Mr. Chairman, as chairman of the Immigration Subcommittee that has just marked up comprehensive legislation to end the problem of illegal immigration, I rise in opposition to the Mollohan amendment on reimbursing our States for the costs of incarcerating illegal aliens. The Mollohan amendment violates the commitment that we made to our Governors and ignores Congress' culpability in the problem of illegal immigration.

The solution to the problem of illegal immigration is to prevent illegal immigrants from entering the United States. And removing illegal immigrants if they arrive. My bill, the Immigration in the National Interest Act, will accomplish this goal. It fulfills one of the Federal Government's central functions: securing our Nation's borders.

In the past, Congress has been part of the problem, not the solution. Past

Congresses have ignored the problem of illegal immigration and failed to stem the tide of illegal aliens entering our country. While Congress dithered, illegal immigrants entered our Nation in record numbers, with upwards of 1 million illegal aliens permanently entering our Nation every 3 years.

Congress' failure to secure our Nation's borders has been a disaster for our citizens, our local government, and our States. Our citizens have been plagued by crime committed by illegal immigrants. And States have been forced to pay the costs of incarcerating criminal aliens whom the Federal Government did not prevent from entering our country and preying on our citizens. These State costs have resulted directly because, in the past, Congress refused to address the problem of illegal immigration.

What has been the cost to States of Congress' failure to stem the tide of illegal immigration? The General Accounting Office estimates that incarcerating illegal immigrant felons costs States at least $650 million per year. That translates into $66 million that New York cannot spend on schools, $43 million that Texas cannot spend on roads, and $400 million that California cannot spend on health care. All because the Federal Government failed to do its job.

Mr. Chairman, I do not generally favor reimbursement as a means of solving our illegal immigration problems. We should prevent illegal aliens from entering the country, rather than spending money on them after they get here. However, Congress has made a commitment to our governors to help reimburse some of the costs that they have incurred. The Mollohan amendment goes back on this commitment and breaks our word to our governors.

The Mollohan amendment is wrong for our citizens and wrong for our States. Keep Congress' word to Governor Bush, Governor Wilson, Governor Whitman, Governor Pataki, and others. I urge my colleagues to oppose the Mollohan amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield myself 1 minute, and I invite the gentleman from Texas to stay in the well.

The gentleman from Texas indicated that one of the premises of your talk was that there would be a net loss to States as a result of this amendment. I would just like to point out to you that, indeed, there is a net loss only to one State. That is California. For every other State in the Union, it is a net gain.

Let me explain why, and it is true. For example, Texas would gain approximately half a million dollars net. It is a close call for Texas.

Under my amendment, Texas would get an additional $2 million, in Byrne grant money, with all the flexibility that represents, and they would get a decrease of about $1.5 million from the illegal alien assistance program, for a net gain of $500,000.

Mr. SMITH of Texas. If the gentleman will yield, I appreciate your point you just made. My concern is still the commitment we made to the Governors to reimburse the States.

Mr. MOLLOHAN. Reclaiming my time, one of the premises was there would be a net loss to the States. That is incorrect.

Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. STUPAK], another distinguished Member who has worked so hard on crime fighting and been such an integral part of our crime task force on the minority side.

Mr. STUPAK. Mr. Chairman, I thank the gentleman for yielding me this time.

Yesterday we had a fight on this floor about the Clinton COPS Program and your local block grant that you wanted over there. You claimed there was no flexibility in the Clinton program. Now we have the Byrne grant, which gives us 26 different programs, including illegal aliens. So this is all kinds of flexibility you want, and now you say, ''No, let us not do that, let us keep all the money in one pot for illegal aliens.''

We are asking for 10 percent, or $30 million, of a $300 million pot to be used for the Byrne memorial grant which can be used for 26 different programs, which can be used with all the flexibility you need.

My colleague from Michigan, Mr. LEVIN, spoke of DARE. In my district we do bake sales and pancake breakfasts to fund the DARE program. We are asking for a little help for the DARE program.

In my district, which has 23,000 square miles, we have undercover drug teams, which is a combination of Federal, State, and local officers, the same team, the TNT team, the Hunt teams, the upset teams. They do undercover drug work with the Byrne grant money. The arrests have gone up by 400 percent because of the cooperative efforts we have here. We could not do it without the Byrne Memorial grant.

What we are asking for underneath the Mollohan amendment is take 10 percent, $30 million of the $300 million, put it in the Byrne grants, and it still leaves $270 million for incarceration of illegal aliens. In Michigan that means $1 million more we have to work with under the DARE program and undercover drug teams.

The Mollohan amendment makes sense from a law enforcement point of view. It makes sense for 49 of the 50 States in the Nation. Our No. 1 priority in this country is crime and crime fighting. Here is a program that works, with all the flexibility you wanted yesterday. It is here. Do not gut this amendment. Please, support the Mollohan amendment.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. GALLEGLY] who is chairman of the House task force on immigration.

Mr. GALLEGLY. Mr. Chairman, I rise in opposition to the amendment of the gentleman from West Virginia, which would eliminate $30 million earmarked for reimbursing States for incarcerating violent criminal aliens.

Earlier this year the House passed H.R. 667, the Violent Criminals Incarceration Act of 1995. In that legislation was a provision sponsored by this Member which would authorize $650 million per year to reimburse States for the burden of incarcerating illegal aliens that commit felonies.

In the bill before us today, there is only $500 million set aside for that purpose and this amendment would reduce this amount by another $30 million.

Mr. Chairman, the States can no longer afford to pick up the tab for the failure of the Federal Government to enforce its borders and enforce its immigration laws.

For some perspective, the cost of this failure to California alone is over $500 million a year. But this is not only a California problem. There are over 4 million illegal aliens in our country and they are found in every State. Clearly, the States that are negatively impacted by this failure of Federal policy can no longer pay the bill for the fact that the Federal Government has shirked its responsibility to enforce its border and the law.

I would just like to make one statement in relation to the gentleman from West Virginia: California gets less money per capita than any other State in the Nation as it relates to reimbursement for the incarcerating of illegal aliens under this legislation.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, first, let us give credit where it is due. The gentleman from West Virginia [Mr. MOLLOHAN], as chairman of the Appropriations Subcommittee that he is now the ranking member of, was the first person to put in money to reimburse costs for incarcerated illegal aliens last year.

Second, although my friend from West Virginia is looking at early disbursement of this year's funding to determine the percentages, the fact is if his amendment passes, increasing a good program, the Byrne program, we take away not only from California but from Texas, Florida, and New York City, not just State governments, but local governments, county jails that are dealing with this problem. We take away that which we are obligated to finance.

You cannot vote to compensate State and local governments for Federal mandates and then back away from the obligation to reimburse them for the costs of the failure of Federal policy. It is that simple.

If you are not from New York or Illinois or California or Florida or Texas, I can understand why you might think you would do better. It is not right.

I urge you to vote against this amendment.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Florida

[Mr. SHAW] who is chairman of the Human Resources Subcommittee in the Committee on Ways and Means.

Mr. SHAW. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, we heard this is a California problem. Nothing could be further from the truth.

Three thousand illegal aliens each and every day violate our borders and come into the United States. This is a national disgrace. It has gone on through administration after administration, Congress after Congress: Yet we have not acted.

Our own State cannot act because, under the Constitution, this is a Federal responsibility, and it is a failed Federal responsibility in which we have failed our States.

Right now 10 percent of the prison population in my home State of Florida is made up of illegal aliens. The Governor, Governor Chiles, just within the last hour has told me $80.7 million a year this alien population is costing the State of Florida, and in addition to that, because of the fact that it is 10 percent of our jail population, we are going to have to build 4 or 5 new prisons at a capital cost of $80 million to $100 million.

Why in the world is this a State responsibility? Not only because of this, but only because of the impact on our prisons, but the impact on our hospitals, on our school systems. Down in south Florida, the Jackson Memorial Hospital is overrun with illegal aliens, and yet we are taking that as a local responsibility to our own State funding to take care of these people.

The impact is absolutely, absolutely incredible. For anyone to stand on this floor and talk about a Federal responsibility where we should take away 10 percent of the money that is not even funding half of the cost for the States today, I think, is very shortsighted and is overly parochial.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. I thank the gentleman for yielding.

First of all, we are not taking 10 percent. We are taking $30 million out of the half a billion.

Mr. SHAW. I did not say you were taking 10 percent. I said the illegal aliens are 10 percent of our prison population in Florida, and it is a responsibility of the Federal Government to at least reimburse all of the States of this country, not just Florida, all of the States, to reimburse them at least a share of this extra cost, because of a failed Federal responsibility.

Mr. MOLLOHAN. Mr. Chairman, I yield myself 30 seconds.

I say to the gentleman from Florida [Mr. SHAW], the point I wanted to make is we are trying to get Florida more dollars, and Florida is a net beneficiary under our amendment.

Mr. SHAW. I heard you.

Mr. MOLLOHAN. Let me make my point. It is my time. I will let you respond to me.

Under the distribution, the first distribution of moneys under this program was $43 million. California got $33 million, Florida got $1 million. Under my amendment, Florida gets $1.5 million. It is a net gain for the State of Florida and for every other State if this money is put through the Byrne grant program, and Florida can spend the money, if they want, on incarceration of illegal aliens.

Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. LUTHER].

Mr. LUTHER. Mr. Chairman, I rise in support of the Mollohan amendment in order to bring some balance to this particular bill.

I can think of few initiatives here in Congress that work better for our local law enforcement officials than providing much needed assistance in drug prevention efforts, equipment acquisition, and overall support for law enforcement.

When I talk to my local police chiefs and other local law enforcement officials back home, they respond with a simple plea, and that plea is, ''Please, provide us with assistance on basic equipment, like fax machines and other support so that we can fight crime in our communities and also support strong prevention efforts.''

I ask Members to support this amendment. Bring some balance to this bill, and let us use a smart approach when it comes to criminal justice activities.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Chairman, I thank the gentleman for yielding me this time.

I speak in some pain here because I do respect tremendously the ranking member on the committee, the gentleman from West Virginia [Mr. MOLLOHAN], and especially with all the efforts he has undertaken to try to provide law enforcement with the resources it needs and given his efforts so far on the issue of immigration.

□ 1315

Mr. Chairman, I see this as an issue where we are robbing from Peter to give to Paul. Both areas involve law enforcement; one is in the incarceration area, the other is with the Byrne grants. I am a strong supporter of the Bryne grants, but I must say we have a Federal commitment to provide States with reimbursement for criminal alien incarceration and, when we have a Federal commitment, we should live up to that commitment to provide the funds.

Finally last year we took some action on the issue of providing reimbursement to States for the criminal incarceration of immigrants, and what we find now is that the President, having taken this first step, it should now be continued. We should continue with this effort to try to provide the funds to reimburse the States.

Mr. Chairman, we have an obligation to follow our talk with our walk, and I would hope that what we will see is that, although we have two good programs, the Byrne grant program and the criminal incarceration of undocumented immigrants issue, we should try to meld the two and make sure that we are not taking from one to give to the other, because both are very good. In a tough time we should try to do the best we can, and I would hope that what we would find is that it is time for us to live up to our obligation of giving money to reimburse States for those obligations that really should be Federal obligations.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. PACKARD], a member of the committee.

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

Mr. PACKARD. Mr. Chairman, I rise in very strong opposition to the amendment offered by the gentleman from West Virginia. I realize that the Byrne grant program is a worthy program, however, I strenuously object taking $30 million dollars out of the funds which are committed to help reimburse States for the cost of incarcerating illegal aliens.

California will incarcerate nearly 19,200 illegal immigrant felons in State prisons this year. That is enough to fill eight new prison facilities to capacity. The cost to California taxpayers will be $503 million. In fact, over the past 8 years, the total cost to California is over $2.5 billion.

The current bill funds $300 million dollars for this reimbursement and I commend Chairman ROGERS for his support for this program. However, the authorized level provides for funding up to $650 million. As you can see, we are currently funding less than half of what we could. It may not seem like a lot of money to some, but $30 million dollars is monumental to the States that have to foot the bill for what is widely recognized as a national problem.

Until the Congress is able to provide fully, the authorized level of funding, a handful of States will continue to be penalized by the Federal Government's failure to combat illegal immigration and assume its proper responsibility.

Mr. Chairman, a reduction in funding such as the one Mr. MOLLOHAN is proposing, unfairly increases the burden that California taxpayers will have to bear and increases what could be called an unfunded mandate. I urge the defeat of this amendment.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. DEAL].

Mr. DEAL. Mr. Chairman, I rise in opposition to the Mollohan amendment.

When the original Thirteen Colonies agreed to join together to ''form a

more perfect union'', one of the powers they conferred on their new Federal Government was that of protecting the national borders from foreign invaders. Considering the fact that four million or more aliens are in our country illegally, it is abundantly clear that the Federal Government has woefully failed in its promise to the States to secure our national borders.

The very least we can do is to assist the States in paying for the costs of imprisoning illegal aliens who have committed felonies against the people and property of their citizens. This amendment would be a backward step and would say to the States that we are unwilling to pay the costs of our breach of promise.

Now is the time to reaffirm to the States our commitment to uphold our Federal responsibility and to attempt to reimburse them for the partial costs resulting from our failure to protect U.S. borders in the past and the present. We can never repay their citizens who have been murdered, raped, and robbed by those who should never have been allowed inside our country, but we can begin by paying the costs of imprisoning these felons.

I urge a ''no'' vote on the Mollohan amendment.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, as somebody who lives on the border, but as someone who was a mayor and a county supervisor, I recognize that law enforcement, neighborhood law enforcement, was the No. 1 responsibility of a locally elected official and a responsibility. The Federal Government's No. 1 responsibility was the integrity of our national frontiers, and it was nice when the Federal Government helped us with our local responsibilities. It was a great effort. But those of us that are impacted severely by the abandonment of the Federal Government of their No. 1 obligation needs to have redresses of those problems, and I say this to my colleague, ''I understand your concerns, but you take care of your obligations before you start issuing people gifts, and this is a moral obligation.''

Mr. Chairman, the fact is the State of California spends $400 million-plus. In the existing formula, existing formula, there will still be a $100 million debt owed to that one State. Now this is an obligation that my colleagues may say we can walk away from for a while, but the obligation to protect our borders is a responsibility. I say to my colleagues, ''Don't abandon it because it is coming your way.''

Mr. MOLLOHAN. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from California [Mr. BEILENSON].

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

Mr. BEILENSON. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from West Virginia [Mr. MOLLOHAN]. This amendment would reduce the funding for reimbursing State and local governments for the costs of incarcerating illegal criminal aliens by $30 million.

Last year, in an amendment that I offered with several of our colleagues, Congress created the State Criminal Alien Assistance Program [SCAAP] in recognition of the serious burden that costs associated with incarcerating criminal alien place on State and localities—costs which are a result of the Federal Government's failure to enforce immigration controls. In addition, thanks to the efforts of the Appropriations Committee, the gentleman from West Virginia [Mr. MOLLOHAN], and the gentleman from Kentucky [Mr. ROGERS], Congress for the first time appropriated funds for the SCAAP Program. And, in February of this year, the House of Representatives approved an amendment H.R. 667, the Violent Criminal Incarceration Act, which provides that, before the Department of Justice can spend any funds authorized in the bill for prison construction, the Attorney General must reimburse States for at least $650 million of the cost of incarcerating illegal aliens convicted of felonies.

This year also, largely because of the commendable efforts of Chairman ROGERS and the subcommittee, funding for the State Criminal Alien Assistance Program [SCAAP] has been increased to $500 million. This is still $150 million below what is needed, but it would provide significant relief to the affected State and localities.

Criminal aliens are people who have entered our country in violation of Federal laws; that makes their incarceration a Federal responsibility, and thus a cost that should be borne by all U.S. citizens, not just those who live in regions with large numbers of illegal immigrants. As the House of Representatives recognized with the passage of unfunded mandate legislation earlier this year, the Federal Government should not continue to pass the costs of Federal actions—or in this case, lack of effective Federal action—onto State and local governments. Yet that is precisely what we have been doing for years by making States and localities pay for the Federal Government's failure to stop illegal immigration.

While State and local governments have the responsibility for incarcerating criminal aliens and processing their cases, they have no jurisdiction over the enforcement of immigration laws, no authority to deport aliens who are convicted of crimes, and no authority to ensure that those deported are not permitted to re-enter the country.

From 1988 to 1995, the number of illegal alien felons in California State facilities has soared by 235 percent—from 5,700 to an estimated 19,200 by the end of this year. During the same period, the total annual cost of incarcerating and supervising this population has skyrocketed from $122 million to an estimated $503 million by the end of the next fiscal year—a 310-percent increase. The cumulative cost during this 7-year period is in excess of $2.5 billion.

Mr. Chairman, shifting funds from the SCAAP Program to the Byrne grant program will disproportionately affect California, because of the enormously large population of illegal aliens in our State's prisons. California, like every other State, has drug and crime problems that are addressed by the Byrne program—and we would all like to be able to approve more money for it. But our attempts to deal with these serious problems are being overwhelmed by the Federal Government's failure to deal adequately with illegal immigration, and to meet its full responsibility to the States with respect to criminal aliens. Reducing this funding is counterproductive and will only exacerbate a very serious problem.

I urge my colleagues to oppose this amendment.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. GOSS], a member of the Committee on Rules.

Mr. GOSS. Mr. Chairman, I rise in strong opposition to the Mollohan amendment. Taxpayers in my home State of Florida, as well as many other States, for too long have had to bear the burden of really failed Federal immigration policies. That is what we are talking about.

It is estimated that Florida spends in the area of $80.7 million, not $13 million. There was a number for $13 million. That is an old number. The Governor's office now tells us that number is $80.7 million annually to incarcerate illegal immigrants.

As a matter of fact, costs are so high for this and other immigration related services that Governor Chiles had to file suit against the Federal Government for reimbursement, and I think everybody knows that Governor Chiles is in the same party as the President. He should not have had to do that. This is a clear Federal obligation, and earlier this year in H.R. 667 we took positive action to help our States with the financial burden.

The Federal Government cannot shirk its responsibility in this, which is what the Mollohan amendment would allow. This amendment would take us back in the wrong direction, and that is why I am very strenuously in opposition to it and urge my colleagues to oppose it, as well, because when we look at the facts, it is going the wrong way.

Mr. ROGERS. Mr. Chairman, I yield 30 seconds to the gentleman from New Jersey [Mr. MARTINI].

Mr. MARTINI. Mr. Chairman, I rise in strong opposition to the Mollohan amendment.

In the United States there are over 50,000 prisoners in State and Federal facilities who are not American citizens. The incarceration of criminal aliens costs taxpayers between $15,000 and $30,000 per inmate annually.

Last year, American citizens spent between $800 million and $1½ billion feeding, clothing, and housing illegal aliens.

It is a grave injustice to hold States like New Jersey hostile to such expenses for the Federal Government's failure.

Mr. Chairman, illegal immigration has taken a toll on this country. Illegal aliens who commit crimes exact personal costs to the people they hurt as well as economic costs to those States who have to burden those costs.

I urge an opposition to this amendment.

Mr. MOLLOHAN. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from West Virginia [Mr. MOLLOHAN] has 30 seconds remaining and the gentleman from Kentucky [Mr. ROGERS] has 1 minute remaining.

Mr. MOLLOHAN. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, there have been some comments made about meeting our obligation to fight the illegal alien problem, and I would say in this bill, with the chairman's leadership, we have provided resources to do just that. We have provided resources under the INS for illegal alien problems: 700 new Border Patrol agents, 400 new inspectors, 945 new detention personnel, and 750 new investigators, and that is very robustly funded to the tune of about a half-billion dollars in the crime trust fund. We have provided $500 million in this bill for reimbursement to States for incarceration of illegal aliens. There is only $30 million out of that to spread around the country.

Mr. ROGERS. Mr. Chairman, I yield the balance of our time to the gentleman from California [Mr. DREIER], a member of the Committee on Rules.

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

Mr. DREIER. Mr. Chairman, this is a very important moment. For the first time the Federal Government has stepped up to the plate to acknowledge its responsibility with the issue of illegal immigration.

There is a perception this is simply going to benefit California. I was joking with the gentleman from West Virginia about that a few minutes ago. The fact of the matter is California will proportionately get less than any other State involved in this based on the number of illegals we have in California, and the figures that have been thrown about here, especially by my friend from West Virginia, are way off base. The best example was Florida, where we have seen an increase from 13 to 80.7 million as the cost for the incarceration of illegals in that State.

This is a very serious Federal problem. Let us defeat the Mollohan amendment and move ahead with the committee position.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from West Virginia [Mr. MOLLOHAN].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MOLLOHAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from West Virginia [Mr. MOLLOHAN] will be postponed.

Are there further amendments to title I?

AMENDMENT OFFERED BY MR. SCOTT

Mr. SCOTT. 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. SCOTT: Page 24, line 6, strike ''$2,000,000,000'' and insert ''$2,300,000,000''.

Page 24, line 23, strike ''$500,000,000'' and all that follows through page 25, line 1, and insert ''$200,000,000''.

Mr. ROGERS. 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 Kentucky?

There were no objection.

The CHAIRMAN. The gentleman from Virginia [Mr. SCOTT] will be recognized for 10 minutes in support of the amendment, and the gentleman from Kentucky [Mr. ROGERS] will be recognized for 10 minutes in opposition.

The Chair recognizes the gentleman from Virginia [Mr. SCOTT].

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

Mr. Chairman, this is a fairly straightforward amendment. It moves $300 million from prison construction funds to the local law enforcement block grant so that programs for prevention and cops can be funded to a larger extent. Mr. Chairman, this will have no effect on the money for incarcerating illegal aliens that we just heard the debate on. The prison grant program requires an increase in incarceration on a massive basis. We already have one of the highest incarceration rates in the world, over five times the international average.

Mr. Chairman, increasing incarceration wastes the scarce resources that could be better spent on prevention. In Virginia, for example, Mr. Chairman, we have a program that we have just embarked on that will cost the State of Virginia $1 billion per congressional district over the next 10 years in increased prison expenses, and the estimates are that the reduction in crime will be less than 4 percent, statistically insignificant. Mr. Chairman, that is a national equivalent of spending $435 billion without any reduction in crime.

Mr. Chairman, earlier this year we heard the city of Philadelphia needs about $2½ billion to build prisons, and again that is just one city. So more money and prisons will be a drop in the bucket as far as the crime rate is concerned. That money could be better spent, Mr. Chairman, on drug courts which take low-level drug abusers, possession only, nonviolent, and refer them into rehabilitation rather than prisons at a cost of 5 percent of what the prisons cost and will result in 80 percent reduction in crimes.

□ 1330

We heard last night about community policing and how that works, Job Corps, education programs, recreation programs. We have heard midnight basketball savaged on this floor, yet we do not hear that the crime rate went down 60 percent in Landover, MD when the midnight basketball program went into effect.

Mr. Chairman, I have 3 cities in my district that are in the top 30 in murder rate, so I want to make sure that we use our scarce resources in a way that will actually reduce crime. It is clear we will get more return for our money by putting it into local law enforcement, like crime prevention and community policing, rather than just in general increasing incarceration.

In conclusion, Mr. Chairman, in the words of the poet Joseph Malins, in his poem ''A Fence or an Ambulance,'' ''It is better to put a strong fence around the top of a cliff than an ambulance down in the valley.''

Mr. Chairman, let us build fences, rather than buying ambulances, and support this amendment.

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

Mr. ROGERS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in strong opposition to the Scott amendment. The truth is that this amendment would eliminate what the Congress passed back in February in the crime bill. It would eliminate truth in sentencing grants to States and shift that money to local government law enforcement block grants.

Now, we already provide in the bill 5½ times more for local crime programs than was ever provided in history by the Congress, and particularly 1995. They are going to have plenty of money to work with.

What the gentleman would eliminate with this amendment, however, is a very critical part of the crime package that passed back in February as a part of the Contract With America, and that was to allow States to have grants if they lock up their violent criminals for a certain period of time.

Convicted felons serve only 38 percent of their sentences now on average. This revolving door of justice is the heart of the crime problem. Truth in sentencing grants are a vital and sensible response to this problem. Lack of prison space is a national problem. It is appropriate for the Congress to respond by setting aside funds specifically for the purpose of increasing prison capacity on the State level for violent offenders.

Local law enforcement block grants provide funding directly to local communities. States, not local communities, have the responsibility of building prisons. The Scott amendment would prevent States from receiving any funds for prison construction. The State prisons grant program ensures that States will have the resources to keep violent offenders locked up. Do not tear that from this bill. It will be a very critical part of the States' efforts and our effort on their behalf to fight violent criminals across the country.

Mr. Chairman, I urge a ''no'' vote on the Scott amendment. Stay with us on the crime package.

Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR. Mr. Chairman, I appreciate the gentleman yielding, and I appreciate the chairman's attention to this very important matter.

Mr. Chairman, it has been only about a year since the citizens of the State of Georgia had a legal lottery, and it apparently is doing somewhat well. Unfortunately, in Georgia, as in many other States, however, we have had a lottery for many, many years, and it is the lottery of revolving justice. Every criminal in our State, as well as all across this country, when they go out to commit a crime, they are purchasing a lottery ticket. They are betting the State in which they commit the crime will not have the wherewithal and the will to keep them incarcerated for a major part of their sentence, and they are getting out, as the chairman has already indicated, within, on average, after serving only 38 percent of their time, and in many instances it is far less than that time.

The bill that we passed very soundly and very strongly in this body just a few months ago tells our States that, at least insofar as American taxpayer dollars are concerned, we are not going to stand for that, and when we the taxpayers of this country, through us in this Congress, direct the taxpayer money go back to the States to construct prisons, we want to see that those prisons are constructed and housed with inmates who are going to serve at least 85 percent of their time.

I wonder what motivation anybody on the other side could have for saying we do not want them to serve 85 percent of their time. As a matter of fact, I would prefer if they served 100 percent of their time. But it is a very sound provision that we in this body passed, with very strong support of the American people, to tie prison construction funds, which go to the States, these are not local community block grants, the responsibility for building prisons in this country is essentially with our States. These moneys go to the States, but we are telling the States, ''Keep your prisoners in these prisons at least 85 percent of the time.'' This is very sound policy. It is at the core of why we are seeing such tremendous recidivist rates in our country.

Mr. Chairman, there is in fact a direct correlation over the years between a decrease in the amount of prison time that those convicted of crimes serve and the recidivist rate.

As the prison inmate rate goes up, as people serve more of their sentence, crime rates do in fact go down. That is the very sound reason and demonstrable public policy behind the provisions in the bill, and the efforts of the gentleman from Virginia [Mr. SCOTT] will in fact aid revolving-door justice in this country. We are telling the American people let's stop that revolving door, at least insofar as we are able through taxpayer dollars being used to construct prisons that will go to those States that have the will, the wherewithal, to say we are going to build those prisons, and, more importantly, we are going to ensure when we put somebody in one of those prisons, they are going to stay there for at least 85 percent of the time.

Mr. SCOTT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, first of all, I am not aware of any studies that show that increasing the time served reduces the recidivism rate. The testimony we have heard in fact is that there is no reduction in recidivism rate generated by increasing the time served.

This revolving door that we have is a revolving door because we are not putting our money into prevention. We are trying to build our way out of the problem. If we are going to be honest, we ought to acknowledge that 38 percent figure. If you want to move it up to a 100-percent figure, you ought to add up and tell the American people what it is going to cost.

In Virginia, proposal X that recently has been enacted, but not fully funded, increases the time served from about 25 to 50 percent, and that cost will cost Virginia $11 billion in the next 10 years. That is a national equivalent of spending $400 billion trying to build our way out of this problem.

If we want to be honest, we will tell the people what result we are going to get. The studies have shown the result will be statistically insignificant. So this little $300 million we are talking about will not make any difference if we put it into incarceration. It is an insane strategy to try to build our way out of the problem. We ought to put our money where it will make a difference, and that is in prevention. That is why I have introduced the amendment, and hope it is agreed to.

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

Mr. ROGERS. Mr. Chairman, I yield the balance of my time to the gentleman from New Mexico [Mr. SCHIFF].

The CHAIRMAN. The gentleman from New Mexico is recognized for 5 minutes.

Mr. SCHIFF. Mr. Chairman, I want to begin briefly on another subject, by complimenting Chairman ROGERS and other members of the subcommittee in both parties for the emphasis they have placed in supporting assistant U.S. attorneys and agents in the field for the Federal Government, because that is where the proverbial rubber meets the road in terms of law enforcement. More crime is investigated and prosecuted with more professionals assigned to do that.

Mr. Chairman, I rise in opposition to the Scott amendment for several reasons. The gentleman from Virginia I think stated that his district was in the top 30 in the Nation in burglaries. I strongly suggest that if more of those burglars were off the street there would be less burglaries in the gentleman's district.

The question was, in prison population related to crime. Well, first, I would point out that we have all heard the statistics that the number of people incarcerated in the United States has been going up. We all know that. But more recently, there have been a number of news articles pointing out that the percentage of crime, the crime rate in many areas, including violent crime, has been going down. So there is a general correlation that I think is obvious, that as the prison population goes up crime goes down.

It is not that I think prisons are wonderful places, but if you take perpetrators off of the street, we have less crime. In fact, the U.S. Bureau of Statistics, I am informed, stated that in a study, those offenders who serve more than 5 years in prison actually were repeaters less often than those who served less than 5 years in prison.

But the main point is when that criminal is out of prison, particularly repeat criminal, then that criminal is repeating crimes on the street, in the district of the gentleman from Virginia or any district.

Mr. Chairman, I would like to say that the cost of prisons is high. There is no doubt about that. I think it can be reduced in many ways. But the fact of the matter is, it will never be inexpensive in a due process country that respects human rights. But I submit the cost of crime, particularly repeat crime, is greater than the cost of prisons, that a repeat offender committing crimes, particularly burglaries, because the average burglar does not commit one burglary a week, he commits one or more burglaries every single day, 365 days a year. It does not take long to compute the fact that even with moderate gains from each burglary, the cost to society in crime in pure dollars, not even talking about the human heartache of people having their homes invaded or businesses taken over, but the cost to society in pure dollars of having repeat criminals on the street is worse than the cost to society of prisons.

This is not to say that there is not room for alternatives. Nothing in this truth in sentencing says that every single person convicted of any crime must go to prison. I do not believe that is appropriate in every case. But what truth in sentencing does recognize is that those States that are trying to make headway by establishing truth-in-sentencing laws, which have come to mean requiring those who are sent to prison to serve at least 85 percent of their sentences, and I agree with the gentleman from Georgia [Mr. BARR], I think individuals deserve 100 percent of their sentences, whatever the sentences might be, but truth in sentencing has come to mean serving 85 percent of sentences.

That is often double what is served in many States. I regret to say in my own

State of New Mexico the good time law there is one of the most liberal in the Nation. There is up to 50 percent off of sentences to prison for all kinds of crimes, including murder. So when the people of New Mexico see in their newspapers that a particular criminal is sentenced to a certain number of years in prison, that will be the headlines. They then have to read in the fine print the fact that that is not the real figure. The real figure is half of what is in the headlines.

Now, truth in sentencing in the bill recognizes that keeping offenders, particularly repeat offenders, in prison longer will cost the States more money. That is an obvious fact, too. Every day someone is in prison is a cost to the State. I think it is a cost to the State that is warranted in a number of cases, because it saves money on the cost of crime. But, nevertheless, it occurs.

Truth in sentencing does not force States to adopt truth-in-sentencing laws. Truth in sentencing recognizes that because of the increased cost of keeping offenders, particularly repeat offenders, off of the street, there is an increased cost to the States to do so. For that purpose, the bill provides an incentive to support States economically with their difficult decision to keep offenders off of the street.

So, Mr. Chairman, I want to say that the truth in sentencing is an important part of the bill to keep offenders, repeat offenders, off of the streets, and I urge rejection of the Scott amendment.

Mr. SCOTT. Mr. Chairman, I ask unanimous consent to reclaim 10 seconds of my time to clarify a word that was used.

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

There was no objection.

□ 1345

Mr. SCOTT. Mr. Chairman, the Third Congressional District of Virginia has three of the top murder rates. I meant to say murder. I just wanted to correct the RECORD.

Mr. SCHIFF. Mr. Chairman, I ask unanimous consent to proceed for 10 additional seconds.

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

There was no objection.

Mr. SCHIFF. Mr. Chairman, I accept the gentleman's correction that his district is in the top in murder rate, not burglary rate. But I think that my point, that keeping criminals off the street may help alleviate that problem, still stands.

Mr. ROTH. Mr. Chairman, I rise in opposition to this amendment.

By eliminating the truth-in-sentencing prison grants, the amendment would let violent criminals loose on the streets to continue to prey on innocent Americans.

The American people are tired of the liberals' soft-on-crime, hug-a-thug approach. The American people want murderers and rapists behind bars.

The senseless murder of a young girl named Cora Jones in rural Wisconsin tragically underscores what I've heard from thousands of people in northeast Wisconsin:

It's time to get tough on criminals.

Cora was killed by a criminal released on parole. If that criminal were in prison where he belonged, Cora would be alive today.

People are scared about rising crime rates, and they are demanding action.

The statistics are frightening.

Every year, nearly 5 million Americans are victims of violent crime.

Another 19 million are victims of property crime.

A murder is committed every 21 minutes in the United States.

A rape, every 5 minutes.

A robbery, every 46 seconds.

Why such staggering figures?

Because we aren't keeping criminals in prison.

Sixty-nine percent of young adults released from prison are arrested again within 6 years, after committing an average of 13 new crimes.

Overall, 7 percent of criminals commit 70 percent of all violent crimes.

It's no wonder Americans are fed up.

We need a new approach to fighting crime.

If a thug is behind bars, he can't commit another murder, rape, or robbery.

But under this amendment, we will have no new prisons to hold violent criminals.

These prison grants will go only to States that enact truth-in-sentencing laws.

Truth-in-sentencing laws mean a 30-year sentence is just that: 30 years, no parole.

Criminals will think long and hard before committing an offense if they know they won't be back out on the street in a few months. It's wrong that law-abiding Americans—who work hard, pay their taxes, and raise their kids—have to live in fear.

Mr. Chairman, we cannot rest until every man, woman, and child in America can walk down any street in America and feel safe.

Vote against the Scott amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. SCOTT].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. ROGERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from Virginia [Mr. SCOTT] will be postponed.

The CHAIRMAN. Are there other amendments to title I?

AMENDMENT OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

Amendment offered by Mr. STUPAK: Page 24, line 7, after ''Grants'' insert ''of such amount $600,000,000 shall be available for rural areas in which the unit of local government in such area has a population of less than 50,000)''.

Mr. ROGERS. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The point of order is reserved.

Mr. STUPAK. Mr. Chairman, my amendment, No. 41, is what I would consider the rural setaside amendment. What this amendment does is set aside approximately $600 million for rural law enforcement programs. The money would come from the $2 billion set aside for the local law enforcement block grant.

When this bill was being considered by both authorizers and appropriators, the President had requested over $10 million to be set aside for rural law enforcement needs. As we went through the appropriation process, no money was set aside for rural America. As we had our discussions yesterday on the local law enforcement block grant program, to put money into local block grants, we found during the debate yesterday that the money will go to those communities which have the highest crime rates, the highest crime rates.

Those of us who live in rural areas find ourselves relatively safe and free from high crime rates. Therefore, our communities will not be able to benefit underneath the existing appropriation as passed yesterday by the House, especially when we talk about the local law enforcement block grant. The high crime rate areas usually are urban areas. The money, therefore, this $2 billion would to go the urban areas. Rural law enforcement has no access to money for police officers or for equipment underneath this program.

Those of us in rural areas were very pleased that the President's COPS Program recognized the specific needs of rural areas. The President had recognized rural areas as being those communities of less than 50,000. Therefore, my amendment has also recognized rural areas as being those of less than 50,000 population.

Twenty-seven to 30 percent of the people in this country live in rural areas. We pay taxes. We need help with law enforcement. We need help with all kinds of programs with the Federal Government. What we are asking for is that some of this money in this local law enforcement block grant be set aside. Yesterday the Clinton COPS Program was defeated. Therefore, our access to law enforcement, to equipment, to personnel, to help rural areas has been denied underneath the majority vote yesterday.

So what my amendment says is of this $2 billion set aside in the local law enforcement area, 30 percent be set aside for rural areas. It is interesting to note that where we are asking the money to come from is local law enforcement block grants. We are taking the word ''local'' as being the small communities including our rural areas.

So, as you consider this amendment, if you have a community in your district where your population is less than 50,000 you would be denied any kind of funding. The only place we can find where rural areas are considered at all in this bill is found on page 38 in the report where it says, for domestic violence and child abuse enforcement

they have set aside $7 million annually for 27 to 30 percent of the country. Rural areas have more than just domestic violence and child abuse enforcement. So, therefore, we are asking the Federal Government for some help.

With this amendment, amendment No. 41, we are asking then that 30 percent of the total local law enforcement block grant money be set aside for rural areas.

POINT OF ORDER

Mr. ROGERS. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. ROGERS. Mr. Chairman, I rise to a point of order against this amendment under clause 2 of rule XXI.

The Stupak amendment constitutes legislation on an appropriations bill, because it attempts to earmark $600 million for a program for rural areas which is not authorized in law. The amendment attempts to amend the local law enforcement block grant which is an unauthorized program that is permitted to remain under the rule.

According to the ruling of the Chair on July 12, 1995, where an unauthorized appropriation is permitted to remain in a general appropriation bill, an amendment directly changing the amount in that paragraph and not adding legislative language of earmarking separate funds for another purpose is in order as merely perfecting. Clearly, this amendment does more than merely change the amount in the paragraph. It adds legislative language and earmarks a portion of the funds for a new purpose and so constitutes legislation on an appropriations bill.

I ask for the ruling of the Chair.

The CHAIRMAN. Does the gentleman from Michigan [Mr. STUPAK] wish to be heard on the point of order?

Mr. STUPAK. Mr. Chairman, on this point of order, if we look on page 39 of the report and even coming back to H.R. 728, which we debated on February 14, 1995, under the title local law enforcement block grant, throughout the bill we talk about local law enforcement block grant. What we have merely done was do the perfecting that is allowed underneath hereby defining what local is. We are not saying that what the local law enforcement block grant is those communities with populations less than 50,000. This is a perfecting amendment to the authorized program.

When we talk about local law enforcement, nowhere in the bill, whether it is the authorizing bill or whether it is this appropriation bill, do they identify and state to us what local is. This would be a perfecting amendment. Therefore, I feel it would be appropriate.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

For the reasons stated by the gentleman from Kentucky regarding unauthorized earmarking, the point of order is sustained.

AMENDMENT OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. 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. HASTINGS of Florida: Page 18, line 2, strike ''$2,574,578,000'' and insert ''$2,539,578,000''. Page 77, line 8, strike ''$233,000,000'' and insert ''$268,000,000''.

POINT OF ORDER

Mr. ROGERS. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. ROGERS. Mr. Chairman, I rise to a point of order against the amendment.

Mr. Chairman, the amendment would increase the level of budget authority/outlays in the bill in violation of clause 2(f) of rule XXI. This rule states that ''it shall be in order to consider en bloc amendments proposing only to transfer appropriations among objects in the bill without increasing the levels of budget authority or outlays in the bill.''

The amendment would increase the level of budget authority outlays in the bill. We have CBO scoring which shows a net increase in outlays of $1,753,000. So, therefore, it violates a rule of the House.

I ask for the ruling of the Chair.

The CHAIRMAN. Does the gentleman from Florida [Mr. HASTINGS] wish to be heard on the point of order?

Mr. HASTINGS of Florida. Mr. Chairman, may I have a colloquy with the gentleman?

The CHAIRMAN. The gentleman cannot conduct a colloquy on a point of order. The gentleman may be recognized on the point of order.

Mr. HASTINGS of Florida. Mr. Chairman, more importantly, I seek unanimous consent to amend the amendment as offered, to increase the measure as proposed by $33 million.

The CHAIRMAN. Did the gentleman say to increase or to decrease?

Mr. HASTINGS of Florida. Mr. Chairman, I am seeking an increase of $33 million. The gentleman's point of order says I am a million plus over. I now ask unanimous consent to amend my amendment to increase by $33 million the funding that I seek.

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

Mr. ROGERS. Reserving the right to object, Mr. Chairman, I suggest to the gentleman that this amendment be withdrawn while he has a chance to discuss the matter with this Member, perhaps, to see what can be worked out.

Mr. HASTINGS of Florida. Mr. Chairman, I accept the gentleman's admonition.

Mr. Chairman, I ask unanimous consent to withdraw the amendment at this time.

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

There was no objection.

The CHAIRMAN. Are there other amendments to title I?

AMENDMENT OFFERED BY MS. NORTON

Ms. NORTON. 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 Ms. NORTON: Page 29, strike line 12 and all that follows through line 18.

Redesignate succeeding sections accordingly.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 30 minutes and that the time be equally divided between the gentlewoman from the District of Columbia and myself.

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

There was no objection.

The CHAIRMAN. The gentlewoman from the District of Columbia [Ms. NORTON] will be recognized for 15 minutes, and the gentleman from Kentucky [Mr. ROGERS] will be recognized for 15 minutes.

The Chair recognizes the gentlewoman from the District of Columbia [Ms. NORTON].

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

Mr. Chairman, this Congress did the right thing in 1993 when it finally allowed women in prison to elect an abortion among the medical services provided them. We overturned the barbaric policy that allowed such abortions only when the life of the mother was endangered or when rape had occurred, not even apparently when incest was involved.

Women in prison, Federal prisons, earn between 10 and 40 cents an hour. There is no hope that they could get the average $231 that an abortion in the first trimester costs. Yet these are the women most in need of choice. These are the women in our country who have led the most chaotic lives. These are the women who are least capable of taking care of themselves. They have not been able even to keep within the law. These are the women least able to bear and relate to children.

Who will speak for these children? We must speak for these children. We must speak for these women.

I strongly favor and would rise just as adamantly to protect the rights of these women to bear children in prison, if they desire. But surely we would not want to deny a woman the right to choice in prison. Two-thirds of these women are drug offenders. More than two-thirds are 40 or under. Most of them are of reproductive age. Many of these women are HIV infected or have full-blown AIDS. Many are addicts who have landed in prison, very often.

In the last 11 years, the number of women in Federal prisons has more than doubled, more than tripled. These

women have themselves been the victims of wholesale physical and sexual abuse.

What happens to these women happens to their fetuses or to their children. In prison they are subjected to a high-starch prison diet. Nobody brings in the right WIC food for women in prison.

□ 1400

Prison is not where people go to get prenatal care. These women have to contemplate the fact that if they were to bear a child to term, they would have to be separated from that child. These are the women in our society most in need of choice—those in Federal prisons. They do get counseling, including religious counseling and social counseling. This is not, for a women in prison, any more than for any other woman, a decision that can or should be made lightly. In effect, if these women do not have choice, of course, we are forcing women who are incarcerated to bear children. This is not America if that is what we are prepared to do, particularly given the particular kind of population that we find in Federal prisons today.

Mr. Chairman, we must, even at this time in the proceedings, try to be remembered for other than being the Congress who looked for each and every opportunity to deny women the most fundamental of rights. We have done it to women in the military who are serving their country, we have done it to Federal workers, we have done it to Federal planning overseas, and today in committee we passed, or the committee passed, a provision making it optional for States to fund for rape and incest. How low are we willing to sink on the question of abortion? How far are we willing to go to deny the most fundamental of rights?

Mr. Chairman, whatever we think and wherever Members stand on the notion of choice generally, I hope Members will now allow themselves to be recorded as forcing women who are incarcerated to bear children against their will.

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

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

Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from the District of Columbia [Ms. NORTON]. This bill reinstates a provision which was carried in the bill prior to fiscal 1994. That provision prohibits Federal tax dollars from being used to pay for abortions for Federal prison inmates. This amendment would strike that provision, that prohibition.

The issue here is very simple and clear. The question is should taxpayers' money be used to pay for an abortion. Time and again, the Congress has debated this issue. Time and again the Congress' answer, and more importantly, the answer of the American taxpayer, has been no. I urge rejection of the gentlewoman's amendment, and urge that the bill be supported.

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

Ms. NORTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, I rise in support of the Norton amendment which would remove the ban on access to abortion services for incarcerated women, except in cases of rape or life endangerment.

There are currently 5,984 women incarcerated in Federal Bureau of Prisons facilities, the majority—68 percent—of whom are serving sentences for drug offenses. Most of the women are young, were frequently unemployed, and many were victims of physical or sexual abuse. According to a 1987 survey, 6 percent of women in prisons and 4 percent of those in jail were pregnant when admitted. Limited prenatal care, isolation from family and friends, and the certain loss of custody of the infant upon birth present unusual circumstances that exacerbate an already difficult situation if the pregnancy is unintended.

Because Federal prisoners are totally dependent on health care services provided by the Bureau of Prisons, this ban, in effect, prevents these women from exercising their constitutional right to abortion. Most women prisoners were poor when they entered prison, and they do not earn any meaningful compensation from prison jobs. This ban then closes off their only opportunity to receive such services, and thereby denies them their rights under the Constitution.

I urge my colleagues to support the Norton amendment.

Ms. NORTON. Mr. Chairman, I yield 3 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

(Mrs. SCHROEDER asked and was given permission to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from the District of Columbia. I think this is absolutely a very essential thing that we should be doing. The gentlewoman from Maryland also made an important point in that when women are in prisons as prisoners, first of all, they are not in the best of shape, obviously, to start or raise a family. Second, one never really knows about their total health condition, and they have no option to go outside if they disagree with what is being imposed upon them.

I thought it was outrageous to impose this on women in the military and dependents in the military who are overseas, but they certainly have more options than women in prisons. What we are really doing is mandating motherhood for them, and denying them the right to full health care benefits that women would have on the outside.

Furthermore, Mr. Chairman, it seems to me there is no exemption here for incest or for many other things that I think concern people very much. I really would hope that the membership would think about this. My understanding is that the Congressional Budget Office has scored the amendment and said that there was no scoring effect to that. I would like to ask the gentlewoman from the District of Columbia if that is correct.

Ms. NORTON. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentlewoman from the District of Columbia.

Ms. NORTON. Mr. Chairman, the gentlewoman is correct.

Mrs. SCHROEDER. Mr. Chairman, I would ask the gentlewoman, this has not been a huge spending item, obviously, or they would have found this was a terrific cost?

Ms. NORTON. Mr. Chairman, I would say to the gentlewoman, indeed, there have been only nine abortions since this right has been in effect, and women in prison have fewer abortions than women outside, and more choose to carry their babies to term, considerably more than choose to have abortions, so that what we are asking for here is merely for genuine choice.

Mrs. SCHROEDER. Mr. Chairman, I think the gentlewoman makes a very good point. There is some kind of image out there that this is some benefit to women in prisons and so forth and so on, but the statistics show just the opposite, just as they did with the women in the military, where there were a whole 10 abortions. Most people figured this was because of some disease-related complication or many other kinds of complications that could occur.

I find it really amazing that we are doing this type of thing to women. It seems like women were maybe the fad last year, but we cannot unroll their rights fast enough this year. We keep unrolling them. I urge Members to vote for the gentlewoman's amendment.

Mr. ROGERS. Mr. Chairman, I yield 1 minute and 40 seconds to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I hear some people saying we have too many votes on abortion. I frankly do not like a lot of votes and debate on this issue. Let me just say very candidly and clearly that absent the votes and the amendments and the language we will be paying for, in one appropriations bill after another, abortion on demand.

This is not a benign process. If there is not explicit language proscribing the use for abortion, we will then be subsidizing abortion on demand. This language that is included by the gentleman from Kentucky, HAL ROGERS, the chairman of the subcommittee, would stop funding abortions in the Bureau of Prisons. Forty or so abortions were done prior to the language going into effect some time ago in the 1980's. The gentleman from California, BOB DORNAN, was the author of that language.

It seems to me it is worth the inconvenience, it is worth the difficulty, and again, I do not like going through this time and time again, but it is worth it if we can cease the facilitation and the subsidization of the killing of at least one child, and in this case we are talking about dozens of children. It seems to me that again we are talking about Government subsidization of abortion on demand.

The pendulum, without question, is swinging in favor of life. People no longer want to subsidize and pay out of their pockets for the chemical poisoning or the literal dismemberment of an unborn child's body. We happen to believe that the women are the victims as well, the co-victim, if you will. We want to see positive, nonviolent solutions to women who have pregnancies that were unintended, not the killing of their unborn babies.

Please, do not force me, my wife and my family and all of us, to pay for it. Again, the language the gentleman from Kentucky has put in would do that. Defeat the Norton amendment.

Ms. NORTON. Mr. Chairman, I would ask who has the right to close.

The CHAIRMAN. The gentleman from Kentucky [Mr. ROGERS] has the right to close. He has 11 minutes and 20 seconds remaining. The gentlewoman from the District of Columbia has 6 minutes remaining.

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

Mr. Chairman, the Bureau of Prisons has gone to great lengths to make sure that it is operating within the law, and indeed, has attached conditions to abortion that do not obtain in every State of the Union. For example, there must be medical, religious, or social counseling sessions offered. There must be written documentation that these sessions have taken place. The process is laid out in great detail in order to make sure that there are no violations. Those who are on the staff and somehow involved also have their rights protected. No staff or supervisory person need be involved with these decisions at all. The Bureau of Prisons, it seems to me, has handled this sensitive issue in just the right way, and the question before the House is are we prepared to handle this issue in just the right way.

Almost all of these women will be faced with two choices: Either make the choice for abortion, or make the choice to have a child who they will have very little, if anything, to do with. Most of these children, if they are carried to term, will go to the State. Since the majority of these women are women of color, in effect that means putting children born in prison into the foster care system.

Mr. Chairman, the foster care system cannot absorb the children of parents who are not in prison. The GAO has written a report on the foster care systems in a number of States. It is an appalling report. The situation is the same all over the country: too few foster parents, too many children. If a woman decides when she is incarcerated that she would like to choose an abortion, society, it seems to me, should be where she wants to be, just as it would be if she made that choice and were not in prison.

Remember, Mr. Chairman, of whom we are speaking. Since more than two-thirds of these women are in prison for drug offenses, understand that most of them were selling drugs because they were addicts themselves, many of them crack addicts. That says all we need to hear about their own pregnancies. The decision to carry a child or not carry a child should not be circumscribed by whether one happens to be incarcerated or not. The nature of the duress is even greater if the woman involved is, indeed, incarcerated.

I recognize that this issue is now and always will be contentious in this House. I would hope that at some point and for some women, we would understand the consequences sufficiently so we would not vote in knee-jerk ways on this sensitive issue. I ask, therefore, Mr. Chairman, for support of the Norton amendment, in the name of these women who cannot speak for themselves.

□ 1415

Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I rise in support of Ms. NORTON's amendment. My colleagues, what we have seen throughout this appropriations process is a direct assault on the right to choose. The ban on Federal funds for abortions for women in prison is just the next in a long line of rollbacks on women's reproductive freedoms. This assault on the constitutional rights of women must be stopped.

The antichoice forces have not directly confronted the basic right, because they know that the vast majority of American people support women's reproductive rights. Rather, they have chipped away at it, hoping that American women will not notice. We must prove them wrong. We must stand up and say ''We do notice, and we will not stand for it.''

What is particularly shameful about the strategy of the abortion foes is that they have singled out groups of women for attack. I suppose that their theory is that most American women will not notice until it happens to them, and then it will be too late. Just look at their record in both the appropriating and authorizing committees this summer:

In the Labor-HHS bill, funding for abortions for indigent victims of rape and incest was cut;

Also in the Labor-HHS bill, funds for family planning services for poor women were zeroed out;

In the Treasury-Postal bill, Federal employees have been barred from purchasing insurance with abortion coverage;

Earlier this summer, in the DOD authorization bill, military women were barred from purchasing abortions on bases overseas with their own funds;

At the Judiciary Committee, they are considering authorizing legislation that would ban one of the safest procedures for women who face a late-term abortion due to a severe threat to her life or health, or a severe fetal anomaly;

And now, they want to ban abortion funds for women in prison.

Poor women. Victims of rape and incest. Federal employees. Women in the military. Women facing severe health crises. Women in prison. Who is next? It could be any of us. We must stop this assault on reproductive rights now.

I urge my colleagues to support the Norton amendment, and to say no to this rolling back of the reproductive rights of American women.

Mr. ROGERS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I will be very brief, as the issue is starkly simple. Do we use Federal funds to pay for abortions? Time and again, Congress has said no. Time and again, the American people have told us to say no, that these moneys should not be used for that purpose.

The amendment would strike the prohibition in the bill that prevents funds from being used for that purpose. I urge a ''no'' vote on this amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from the District of Columbia [Ms. NORTON].

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. NORTON. 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 today, further proceedings on the amendment offered by the gentlewoman from the District of Columbia [Ms. NORTON] will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 46 OFFERED BY MR. FIELDS OF LOUISIANA

Mr. FIELDS of Louisiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 46 offered by Mr. FIELDS of Louisiana: Page 24, line 6, strike ''$2,000,000,000'' and all that follows through ''1995'' on line 9 and insert ''$1,800,000,000 shall be for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed the House of Representatives on February 14, 1995; $200,000,000 for crime prevention and model grants as authorized by title III of the 1994 Act;''.

Mr. ROGERS. 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. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The gentleman from Louisiana [Mr. FIELDS] will be recognized for 5 minutes, and the gentleman from Kentucky [Mr. ROGERS] will be recognized for 5 minutes.

Is the gentleman from Kentucky opposed to the amendment?

Mr. ROGERS. I am opposed, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana [Mr. FIELDS].

Mr. FIELDS of Louisiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I commend the chairman and the ranking member on our side of the aisle for all the hard work they have done on this particular piece of legislation.

Mr. Chairman, this amendment is a very straightforward amendment. It is an amendment that many Members of the House have already considered in one form or another.

This amendment will take 10 percent of the $2 billion and use that money for crime prevention. This bill appropriates $2 billion in the form of a block grant. This amendment will simply take 10 percent of that, which would be about $200 million, and $200 million will be used for the precise purpose of prevention.

When we passed the crime bill in 1994, we enumerated several crime prevention programs within that legislation and we balanced the bill such that money will not only go into jails and prisons but also go into crime prevention.

If we pass the Fields amendment, this amendment will provide the $200 million that could be used for the Ounce of Prevention Council which was a part of the 1994 crime bill; Local Crime Prevention Block Grant Program; the Model Intensive Grants Program; Family and Community Endeavor Schools Grant Program.

All these programs are very conducive programs for preventing crime so that we will not spend the kind of money that we spend today in locking people up and putting them behind bars: Family and Community Assistance Program; Assistance for Delinquent and At-Risk Youth; Police Retirement; Local Partnership Act; the National Community Economic Partnership; the Urban Recreation and At-Risk Youth Program; Community-Based Justice Grants for Prosecutors; the Family Unity Demonstration Project; substance abuse treatment in Federal prisons as well as State prisons; and Gang Resistance and Education Training, which is a great program that many people in many States across the country use.

I think this is a very important amendment and I would hope that Members accept this amendment. We spend $60,000 to build a jail cell in this country, $30,000 to maintain it. This is prevention. I think it is in the best interests of our country to spend money where it is most needed.

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

Mr. ROGERS. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise in strong opposition to this amendment. It takes $200 million from the Local Law Enforcement Block Grant Program to fund crime prevention programs like midnight basketball, homework assistance, after-school programs, nutrition services, family counseling, job programs to prevent crime, grants for education, recreation facilities and so on and so forth.

We have voted on these things now time and again. We voted yesterday on this. The House by a huge majority rejected this type of funding. These are the midnight basketball programs that are back with us again. We turned them down in the Mollohan amendment yesterday.

They are back with us again today. I have no doubt they will be with us tomorrow and from here on to eternity. But nevertheless the House says ''no.'' How many times do we have to say no? I hope that the House will do short order on this and will vote down this amendment as it has repeatedly.

What the amendment says is that we believe that Washington knows how local communities should spend their money to prevent crime. Instead of letting communities decide what they want to do with the money, this amendment spreads $200 million over a host of programs, tells them how much they can spend and for what purposes, whether they like it or not.

We are back to the same old thing of ''one size fits all,'' all communities are just exactly alike, and Washington knows how to administer funds to all of them irrespective of their own peculiarities.

Mr. Chairman, I urge the House to reject this effort, stay with us on sending money back to the local communities for them to decide how they would like to spend their money in preventing crime and in punishing crime once it takes place.

I urge Members to reject again midnight basketball for the 18th time.

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

Mr. FIELDS of Louisiana. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Maryland [Mr. WYNN].

Mr. WYNN. I thank the gentleman from Louisiana for yielding me the time.

Mr. Chairman, I rise to support his amendment. I think it makes good sense. What we do here in Washington is basically try to strike a balance between Federal planning and priorities and local planning. Not all local planning is good, not all Federal planning is bad.

The gentleman's amendment simply says, let's give 90 percent of the money to the locals and let them make the decisions, but let 10 percent reflect certain national priorities. The specific national priority he is talking about is crime prevention.

When I talk to local law enforcement officials, they say crime prevention is essential. We cannot arrest ourselves out of the crime problem. We have to have prevention.

What is important about the prevention programs provided in this amendment? I would like to refer specifically to two: The first is substance abuse treatment in Federal and local prisons. Why? Because substance abuse leads to recidivism which means prisoners come out of prison, commit more crimes because they have substance abuse problems, and then they go back in the prison system and we the taxpayers pay $25,000 a year to keep them in prison. We need substance abuse treatment.

Second, I refer Members to the Gang Resistance Program, called GRATE. We have it in my district and it works. One of the biggest threats in our society today is the emergence of organized gangs. To the extent that at a national level we say that it is important to thwart the emergence of these gangs, we are making good Federal decisionmaking.

I would urge my colleagues not to say that all Federal decisionmaking is bad and all local decisionmaking is good, but to strike a reasonable balance that enables us to impart certain Federal priorities for fighting gangs and for substance abuse treatment as well as other programs that have been proven to work. Prevention works. Please vote for prevention.

Mr. FIELDS of Louisiana. Mr. Chairman, I yield the balance of my time to the gentleman from West Virginia [Mr. MOLLOHAN], the ranking member.

The CHAIRMAN. The gentleman from West Virginia is recognized for 1½ minutes.

Mr. MOLLOHAN. Mr. Chairman, I express great appreciation to our colleague, the gentleman from Louisiana [Mr. FIELDS], for his leadership in this area, and his efforts to make sure that when we address this crime issue, that we do it in a comprehensive sort of way and look to prevention.

I want to note that the chairman, in his mark, does look to prevention as I add up the numbers. There is $166 million in the crime trust fund for prevention programs. We have just recently added $50 million, through the chairman's good graces, to the violence against women account. The subcommittee transferred $40 million over to Labor-HHS, all for violence against women.

All of these are prevention programs. What the gentleman from Louisiana [Mr. FIELDS] does here is simply add a few more dollars to prevention programs, recognizing that intervention, particularly with our youth at an early stage, can prevent the crime that we are trying to fight here, and prevention

is just that, prevention. For every dollar we spend there, we pick up a lot of dollars on the crime-fighting side.

I strongly support the gentleman's amendment. It is a relatively small amount of money added to the already $166 million that the chairman supports, as I add it up here, and it is a little complicated because we have a number of different counts.

But the point is, our chairman has supported prevention, we are supporting it. The Fields amendment would support it, give greater resources, and we need them. We need them for programs like family demonstration grants and at-risk youth grants. I do not think anybody in this body can deny that.

I strongly support the gentleman's amendment.

Mr. ROGERS. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Kentucky is recognized for 3 minutes.

Mr. ROGERS. Mr. Chairman, there is a reason why this bill refers to the Local Law enforcement Block Grant Program. These are law enforcement block grants. They are not education block grants, they are not family counseling block grants, they are not after-school program block grants, they are not nutrition block grants. These are law enforcement block grants. This is to enforce the law, not just to prevent crime but also to punish it after it takes place.

There are hundreds of programs on the books of this Federal Government that provide moneys for those types of programs. In the Department of Education, in the Department of Health and Human Services, and so forth, there are all sorts of moneys available for those types of things.

□ 1430

This money in this bill is for law enforcement and we have voted on this time and again, as recently as yesterday, to reject this type of an approach.

I urge my colleagues to stay with the bill's provisions for providing local governments block grants to fight crime with a Local Law Enforcement Block Grant Program. Do not water it down with midnight basketball. We can do that elsewhere.

I urge a ''no'' vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. FIELDS].

The amendment was rejected.

Mr. FIELDS of Louisiana. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from Louisiana [Mr. FIELDS] will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the order of the House of today, proceedings will now resume on those amendments on which further proceedings were postponed. They will be considered in the following order:

Amendment No. 4 offered by the gentleman from West Virginia [Mr. MOLLOHAN]; amendment No. 36 offered by the gentleman from Virginia [Mr. SCOTT]; amendment No. 54 offered by the gentlewoman from the District of Columbia [Ms. NORTON]; and amendment No. 46 offered by the gentleman from Louisiana [Mr. FIELDS].

AMENDMENT NO. 4 OFFERED BY MR. MOLLOHAN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from West Virginia [Mr. MOLLOHAN] 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 CHAIRMAN. Pursuant to the order of the House of today, 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. This will be a 17-minute vote.

The vote was taken by electronic device, and there were—ayes 171, noes 256, not voting 7, as follows:

[Roll No. 572]

AYES—171

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bereuter
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (OH)
Bryant (TX)
Cardin
Chabot
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Conyers
Cooley
Costello
Coyne
Cramer
Cremeans
Danner
Davis
de la Garza
DeFazio
DeLauro
Dicks
Doggett
Doyle
Durbin
Edwards
Engel
Evans
Fattah
Fields (LA)
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gonzalez
Goodlatte
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Hayes
Hefner
Heineman
Hilliard
Hinchey
Hobson
Hoke
Holden
Hoyer
Jefferson
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Levin
Lewis (GA)
Lincoln
Lowey
Luther
Maloney
Manton
Markey
Mascara
McCarthy
McCrery
McDermott
McHale
McKinney
McNulty
Meehan
Menendez
Mfume
Minge
Mink
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Ney
Oberstar
Obey
Olver
Orton
Owens
Pallone
Payne (NJ)
Payne (VA)
Peterson (MN)
Pickett
Pomeroy
Portman
Poshard
Quinn
Rahall
Ramstad
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Slaughter
Smith (MI)
Smith (NJ)
Spratt
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Thompson
Thornton
Torricelli
Towns
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Ward
Watt (NC)
Williams
Wilson
Wise
Wolf
Wyden
Wynn
Yates
Zeliff

NOES—256

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Becerra
Beilenson
Bentsen
Berman
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brown (CA)
Brown (FL)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chambliss
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cubin
Cunningham
Deal
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Farr
Fawell
Fazio
Fields (TX)
Filner
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hoekstra
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Johnson (CT)
Johnson, Sam
Johnston
Jones
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lucas
Manzullo
Martinez
Martini
Matsui
McCollum
McDade
McHugh
McInnis
McIntosh
McKeon
Meek
Metcalf
Meyers
Mica
Miller (CA)
Miller (FL)
Mineta
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Pastor
Paxon
Pelosi
Peterson (FL)
Petri
Pombo
Porter
Pryce
Quillen
Radanovich
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Skelton
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stark
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Torres
Traficant
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Waters
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White

Whitfield
Wicker
Woolsey
Young (AK)
Young (FL)
Zimmer

NOT VOTING—7

Bateman
Chenoweth
Collins (MI)
Dingell
Jacobs
Moakley
Reynolds

□ 1453

Mr. HASTINGS of Florida, Mrs. MEEK of Florida, Mr. COX of California, Mr. YOUNG of Alaska, Ms. PELOSI, and Mr. MILLER of California changed their vote from ''aye'' to ''no.''

Messrs. NADLER, TAYLOR of Mississippi, CREMEANS, NEY, HEINEMAN, SCHUMER, KASICH, TANNER, and EDWARDS changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Pursuant to the order of the House of today, the Chair again 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.

AMENDMENT NO. 36 OFFERED BY MR. SCOTT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia [Mr. SCOTT] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 105, noes 321, not voting 8, as follows:

[Roll No. 573]

AYES—105

Abercrombie
Ackerman
Becerra
Beilenson
Bereuter
Berman
Bishop
Bonior
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Conyers
Coyne
DeFazio
Dellums
Dicks
Dixon
Doggett
Ehlers
Engel
Eshoo
Farr
Fattah
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hoekstra
Inglis
Jackson-Lee
Jefferson
Johnson, E. B.
Kanjorski
Kleczka
LaFalce
Lantos
Lazio
Lewis (GA)
Lofgren
Lowey
Maloney
Markey
Martinez
McDermott
Meek
Mfume
Miller (CA)
Mineta
Minge
Mink
Moran
Nadler
Oberstar
Owens
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pickett
Pomeroy
Rahall
Rangel
Roybal-Allard
Rush
Sabo
Sanders
Schroeder
Scott
Serrano
Shays
Sisisky
Skaggs
Slaughter
Smith (MI)
Stark
Stokes
Studds
Thompson
Torres
Towns
Tucker
Velazquez
Vento
Waters
Watt (NC)
Waxman
Williams
Woolsey
Wynn
Yates

NOES—321

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Brewster
Browder
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clinger
Coble
Coburn
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
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehrlich
Emerson
English
Ensign
Evans
Everett
Ewing
Fawell
Fazio
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
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
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Johnston
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Luther
Manton
Manzullo
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Peterson (FL)
Petri
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—8

Bateman
Chenoweth
Collins (MI)
Dingell
McKinney
Moakley
Olver
Reynolds

□ 1501

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. NORTON

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from the District of Columbia [Ms. NORTON] 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 146, noes 281, not voting 7, as follows:

[Roll No. 574]

AYES—146

Abercrombie
Ackerman
Andrews
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bishop
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Conyers
Coyne
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dixon
Doggett
Dooley
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Foglietta
Ford
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gonzalez
Green
Greenwood
Gutierrez
Harman
Hastings (FL)
Hilliard
Hinchey
Horn
Houghton
Hoyer
Jackson-Lee
Jefferson
Johnson (CT)
Johnson, E. B.
Johnston
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kolbe
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Matsui
McCarthy
McDermott
McKinney
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Mink
Molinari
Moran
Morella
Nadler
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Rangel
Reed
Richardson
Rivers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Slaughter
Stark
Stokes
Studds
Thompson
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams

Wilson
Woolsey
Wyden
Wynn
Yates
Zimmer

NOES—281

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fields (TX)
Flake
Flanagan
Foley
Forbes
Fowler
Fox
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Minge
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Tucker
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—7

Bateman
Chenoweth
Collins (MI)
Dingell
Moakley
Reynolds
Smith (WA)

□ 1510

Mr. OBEY changed his vote from ''aye'' to ''no.''

Mr. DURBIN changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. WISE. Mr. Chairman, on the amendment offered by the gentlewoman from the District of Columbia [Ms. NORTON], I voted ''no.'' I was in error as to the order that the votes were being called. I would like for the RECORD to reflect that I would have voted ''aye'' on rollcall 574.

AMENDMENT OFFERED BY MR. FIELDS OF LOUISIANA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Louisiana [Mr. FIELDS] 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 128, noes 296, not voting 10, as follows:

[Roll No. 575]

AYES—128

Abercrombie
Ackerman
Baldacci
Becerra
Beilenson
Berman
Bishop
Bonior
Borski
Brown (CA)
Brown (FL)
Bryant (TX)
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Conyers
Coyne
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dixon
Doggett
Engel
Eshoo
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Green
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Horn
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson, E.B.
Johnston
Kennedy (MA)
Kennedy (RI)
Kildee
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Luther
Maloney
Manton
Markey
Martinez
McDermott
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Moran
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pastor
Payne (NJ)
Pelosi
Rahall
Rangel
Reed
Richardson
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Stark
Stokes
Studds
Stupak
Thompson
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—296

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Bereuter
Bevill
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Evans
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennelly
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Lucas
Manzullo
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Traficant
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)

Weldon (PA)	Wicker	Young (FL)
Weller	Wilson	Zeliff
White	Wolf	Zimmer
Whitfield	Young (AK)	

NOT VOTING—10

Bateman	Dingell	Rose
Bilbray	Lazio	Stockman
Chenoweth	Moakley	
Collins (MI)	Reynolds	

□ 1517

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BILBRAY. Mr. Chairman, on rollcall No. 575, I was unavoidably detained. Had I been present, I would have voted ''no.''

PERSONAL EXPLANATION

Mr. VOLKMER. Mr. Chairman, on Tuesday, July 25, I missed rollcall vote No. 571 during consideration of H.R. 2076, the Commerce, Justice, State appropriation bill for fiscal year 1996. Had I been present, I would have voted ''aye.''

Mr. SKAGGS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, rather than call up the amendment that I had filed on this topic, I want to discuss briefly with the subcommittee chairman an issue concerning a provision in the bill that would transfer a significant number of departmental lawyer positions to the U.S. Attorney's offices.

Mr. Chairman, after our subcommittee completed its work on this bill, I learned from the Department of Justice that they had some serious concerns about this proposal, which was to transfer several lawyers out of the Environment and Natural Resources Division and the Tax Division out into the offices of the several U.S. Attorneys. In particular, a letter from the Assistant Attorney General Lois Schiffer about this complained that it would cause ''* * * severe problems for the Environment Division'' and would ''* * * threaten the effective enforcement of our environmental laws, clean water, clear air, and clean land.'' I share these concerns.

As the chairman knows, the U.S. Attorneys have broad responsibilities, including prosecution of many, many different kinds of cases involving narcotics violations and other criminal offenses. I am just concerned that this transfer might have the unintended and unfortunate effect of lessening our ability to adequately represent the interests of the United States and the American people in these environment and natural resource cases.

I wonder if the subcommittee chairman could assure me he is willing to consider these problems raised by the Department of Justice and would be open to working with the Department on their concerns as we proceed through the rest of the process with this bill in the Senate and in conference?

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I can assure the gentleman that it is our intent to continue enforcement of our environmental and tax laws, at least at the current rate. We state this in our report to the bill. I will carefully review the objections of the Justice Department and will remain open to working with the Department on this issue as we proceed on the bill.

Mr. SKAGGS. I thank the gentleman for his observations.

Mr. MORAN. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Virginia.

Mr. MORAN. Mr. Chairman, I thank my friend from Colorado and the chairman of the subcommittee. I wanted to confirm as well the response to the gentleman from Colorado [Mr. SKAGGS].

Mr. Chairman, you are saying that you would yield maximum flexibility to the Attorney General to determine who would be transferred and where they would be transferred from and give them an opportunity to get some feedback from the attorneys themselves, so that we would not see the loss in cost of time and money that the gentleman from Colorado [Mr. SKAGGS] referred to in the letter we received from the Assistant Attorney General?

I am equally concerned that this move, which I know is intended to accomplish efficiencies, might in fact backfire because we have so many cases tried in Washington that it might wind up costing us more money, and, if there is to be a transfer, you would rely upon the advice of the Attorney General in letting the Attorney General reach those decisions on how to carry out the language that is in the report.

Mr. ROGERS. I think I have responded adequately.

Mrs. MORELLA. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentlewoman from Maryland.

Mrs. MORELLA. Mr. Chairman, I appreciate the gentleman yielding, because I, too, had some of the similar concerns that have been brought up in the colloquy about the transfer of the 200 attorneys from the Environment and Natural Resources Division and Tax Division of the Department of Justice to the U.S. Attorney's Office. It has been well-intended, as we know, and yet there are unintended consequences with regard to the disruption to Federal law enforcement, the question about whether we would even save money. It may slow down the Justice Department's ability to resolve caseloads, and it may increase the number of cases that would be handled by the Tax and Environment Divisions that are heard in local courts in Washington, as well as the cost.

So I appreciate the fact that the subcommittee chair is going to try to ameliorate this situation, to remedy it, and I support the colloquy. I thank the gentleman from Colorado [Mr. SKAGGS], for having initiated it.

AMENDMENT OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HASTINGS of Florida: Page 18, line 2, strike ''$2,574,578,000'' and insert $2,537,078,000.

Page 77, line 8, strike ''$233,000,000'' and insert ''$268,000,000''.

Mr. ROGERS. Mr. Chairman, I rise in opposition to the amendment, and I ask unanimous consent that the amendment and all amendments thereto be concluded in 20 minutes, and that the time be equally divided.

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

There was no objection.

The CHAIRMAN. The gentleman from Florida [Mr. HASTINGS] will be recognized for 10 minutes in support of the amendment, and the gentleman from Kentucky [Mr. ROGERS] will be recognized for 10 minutes in opposition to the amendment.

The Chair recognizes the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment to increase by $35 million the funding for the Equal Employment Opportunity Commission. This amendment would bring the EEOC to the administration's requested level of $268 million.

I have offset this increase by taking $37.5 million from Federal prisons, salaries and expenses, because I believe that fighting discrimination will yield greater results than buttressing the prison system. The committee increased the appropriation for Federal prisons by $236 million and recommended that $57 million of these dollars go toward activating 10 new and expanded facilities.

In this particular matter, despite the effectiveness of reforms undertaken by the EEOC, I do not believe that they will be able to fulfill their duty in a timely manner unless they have the resources to do so. Every day new cases are added to the caseload of this agency. The committee report states that the committee is confident that the EEOC will be able to streamline the process and thereby reduce the case numbers. However, I do not share such blind confidence.

There are approximately 771 caseworkers at the EEOC. This means that the average caseworker is handling more than 135 cases at one time. Gilbert Cassellas, chairman of the EEOC stated during the May 11, 1995 hearings before the Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies, Committee on Appropriations, that even if the Commission took no more cases, it would still take the organization 18.8 months to finish its present caseload.

Consider the fact that 97 percent of this country's Fortune 500 companies'

senior management positions are filled by white males. Women and minorities still make significantly less than white males. In 1992, white women made 70 cents for every dollar white males made, and black males made 74 cents for every dollar made by their white counterparts. These facts demonstrate that considerable discrimination is continuing in this country, unfortunately.

It is unconscionable that we create a commission such as the EEOC and not give them the tools to meet their goals. This country is divided over the issue of race and gender. We must not undermine programs that actively deal with such discrimination.

The work of the EEOC is not complete, as evidenced by the fact that almost 100,000 complaints have yet to be examined. Given the recent attacks on affirmative action, I feel it is imperative that the EEOC is able to fulfill its mandate of protecting all American workers from discrimination.

Mr. Chairman, I urge my colleagues on both sides of the aisle to rise in support of this amendment.

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

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

Mr. Chairman, I rise in opposition to the gentleman's amendment. This amendment, Mr. Chairman, would take $35 million out of vitally needed resources to open new prisons. I am not talking about the merits of the gentleman's proposal to help EEOC. I am just talking about what it is going to do to us if we do this amendment.

□ 1530

These are prisons that are almost complete and will be coming on line in 1996. Mr. Chairman, we have spend hundreds of million of dollars to build five new prisons and expand five others, all of which will be ready for occupancy in 1996. These facilities will not open if this amendment should pass. They will sit there empty. Meanwhile we have got crowded prisons all over the country.

We are at 140 percent or so of occupancy in the Federal prison system, at least. And these 10 new facilities are absolutely vital to relieve the overcrowding that exists in the present prisons, not to mention the heavy influx of new prisoners that we expect in 1996.

Here is an example of some of the facilities that will not open if this amendment passes: A low- and minimum-security facility in Beaumont, TX, a low- and minimum-security facility in Taft, CA, and a facility in Forrest City, AR. Five new expansions will not be available in Tallahassee, FL, in Milan, MI, in Lompac, CA, Fort Worth, TX, and Lexington, KY.

As a result, nearly 9,200 more Federal prison beds will be sitting vacant and unused if this amendment passes. The Federal prison system is the second most overcrowded system in the Nation. Overcrowding would increase by 132 percent in 1996. We simply cannot tolerate this when the Federal prison system is housing the most volatile Federal inmate population in history.

So I urge Members to vote ''no'' on this amendment. The gentleman, I am sure, has a legitimate argument to make on the EEOC question. I am just saying to my colleagues, this is something we cannot afford to take the money from.

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

Mr. HASTINGS of Florida. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, most respectfully to the gentleman from Kentucky [Mr. ROGERS], I would urge him to be mindful that the Federal prison system had a carryover of $35 million from the 1994 budget and has a $2 billion budget; and I do not think that that can reasonably be argued that they cannot make their requirement.

Mr. Chairman, I yield 2 minutes to my good friend, the gentlewoman from the District of Columbia [Ms. NORTON].

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

I rise as a former chair of the Equal Employment Opportunity Commission who was able to get rid of the backlog of the commission not only through greater efficiency but because the President of the United States gave me enough money to do it and said the rest would have to be done by efficiency. And we did that.

Mr. Chairman, I just heard a stark contrast. The gentleman from Florida [Mr. HASTINGS] says, give a few dollars to get rid of discrimination. The chairman says, no, give a few dollars to put people in jail.

Watch out for the message you send. The message you send is that this Congress does not want to devote the money it would take to process cases of intentional discrimination but instead refuses to do that and says the money has to go to prisons.

I know what this means in the society at large, and I know what that means at EEOC. The agency is under ever so much greater pressure than when I was there. There is a whole new complicated statute. We have court decisions, the Adarand decision, and we have a level of funding that will not allow the job to get done.

The majority says, what we want to go after is intentional discrimination. These are backlog cases of intentional discrimination. This is a very difficult agency to run. It is much more like a manufacturing agency than a Government agency because you have to put out and account what you put out and account what you take in.

If we do not want to pay the money, if we do not want the money to go for antidiscrimination enforcement, then do not be heard to say that you are for ending discrimination, because when the time came, when the test was before you, you refused to allow the money to go to enforce antidiscrimination.

I thank the gentleman for this amendment. It draws the line. Let us ask the Members here today which side of the line are they on.

Mr. HASTINGS of Florida. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Chairman, I rise to support the gentleman's amendment.

We see Members every day run down to the well and say, I believe in a colorblind society. If there is discrimination, take it to EEOC. EEOC cannot do that job unless we pass this amendment. The bulk of EEOC's work involves investigation, processing and resolution of complaints. This requires interviewing, reviewing files, not computer work. This requires old-fashioned legwork.

In order to do legwork, you need personnel. But over the past 14 years, EEOC has experienced a reduction of 500 full-time employees. This comes despite a significant increase in responsibility.

In terms of private-sector complaints, they increase by 47 percent, up 29,000 additional charges.

The Federal sector: Again, up over 7,000 additional charges. More complaints, less personnel, it cannot work.

As a result, each investigator now has 135 cases. Four years ago they only had 55. They say, Mr. Chairman, justice delayed is justice denied. Pass this amendment. Eliminate the backlog. Help EEOC do its job.

Mr. HASTINGS of Florida. Mr. Chairman, I yield 1 minute to the distinguished gentleman from North Carolina [Mr. WATT] my friend, who wished to have been a cosponsor of this amendment.

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman for yielding time to me. I rise in strong support of the Hastings amendment.

I want to remind my colleagues that this is about the Equal Employment Opportunity Commission. Equal. This is not about affirmative action. This is not about setasides. This is about enforcing the law to make sure that people are treated equally in this country. Instead of funding the mechanism in our country that is designed to ensure that, we have allowed equal employment opportunity to become a joke.

Three hundred twenty-eight days behind in their processing, 97,000 cases in backlog, and we say that we want to stand for equality in this country.

I remind my colleagues, this is not about affirmative action. It is about equal treatment under the law.

Mr. HASTINGS of Florida. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Florida [Ms. BROWN].

(Ms. BROWN of Florida asked and was given permission to revise and extend her remarks.)

Ms. BROWN of Florida. Mr. Chairman, I rise in support of the Hastings amendment.

Mr. Chairman, I rise in support of the Hastings amendment to provide funds to the

EEOC. The EEOC has a backlog of 97,000 cases of alleged discrimination. These are hard charges of discrimination in the workplace that need to be investigated. The Hastings amendment would provide funds for the EEOC to handle these discriminatory claims.

The facts speak for themselves. Over 95 percent of the top jobs in America go to white males, according to the ''Glass Ceiling Report.'' It seems to me that some people want a guarantee of 100 percent of those jobs by eliminating affirmative action programs.

It's like my grandmother's sweet-potato pie. Some folks, white males, have pretty much had the whole pie to themselves for a very long time. Affirmative action has helped minorities get a small slice of that pie.

Full enforcement of equal employment laws is critical. I urge my colleagues to support the Hastings amendment so the EEOC can fully pursue discrimination charges.

Mr. HASTINGS of Florida. Mr. Chairman, I yield 1 minute to my friend, the distinguished gentleman from New York [Mr. SERRANO].

Mr. SERRANO. Mr. Chairman, I rise in strong support of the gentleman's amendment.

I think the point that a lot of Members miss on this issue is that in the Federal workplace and in the workplace in general, there are many people who rely on this agency for their last resort. Their ability to deal with the system, to deal with discrimination, to get some relief comes from this agency. What the gentleman is trying to do is deal with the fact that has been stated here before; the backlog of cases in this agency, the inability to process all the cases is really creating a very unfair situation.

This is, as has been stated before, about equality. This is an agency and a program that is truly in the best tradition of American democracy. Not to support this amendment is really to continue to say that equality in this country is not important. If you do not build a Federal prison, you can create a slight problem. If you do not give someone their due rights in this society, you create a major unfair problem.

This is a good amendment, and every Member should vote for it.

Mr. HASTINGS of Florida. Mr. Chairman, I want to thank very much the gentleman from Kentucky [Mr. ROGERS], and his staff and the ranking member, the gentleman from West Virginia [Mr. MOLLOHAN], and his staff for being considerate of the circumstances giving rise to this hastily drawn but very important measure.

Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. BECERRA].

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

Let me say that I want to, with all fervor and heart, support the amendment by the gentleman from Florida [Mr. HASTINGS].

This is not a time for us to retract and say that this is not a time to defend civil rights. This is an opportunity for us to say to all of America that we understand the value of passage of the Civil Rights Act back in the 1960's, and this is a chance for us to tell all Americans, every American, regardless of their race, creed, or color, that it is time to increase pressure on all those who might discriminate.

I do not know if it has been mentioned, but over 100,000 allegations of discrimination have been filed with the EEOC over the past several years, each year. This is a time to make sure we have a strong, a vibrant EEOC. This is a time for us to say that we understand that the Federal Government has a role in enforcing our laws against discrimination.

I would hope that, along with the gentleman from Florida, what we do is understand that this is a time to recognize that all Americans should be treated equally. So I hope that my colleagues will join me in supporting the Hastings amendment.

Mr. HASTINGS of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. EDWARDS].

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

Mr. EDWARDS. Mr. Chairman, I rise in strong support of this amendment. This country must make a commitment to equal opportunity in the job place, and that is what this amendment does.

Mr. ROGERS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I want to say that this amendment, however well intentioned, would have a devastating effect on the prison activation program that we are entering into for 1996. We have 10 new prison facilities that will be ready to open in 1996. This amendment, if it passes, will prevent us from opening those facilities.

We would be at 132 percent of capacity next year. A result of this amendment would be that 9,200 more Federal prison beds will be sitting vacant and unused and in empty, new or expanded buildings. I do not think the Congress wants that to be printed in the newspapers, that is, pictures of those empty prisons when we have overcrowding in the others.

I urge Members to vote ''no'' on this amendment. If this amendment passes, new prisons will not open in Texas, California, and Arkansas; expanded prisons will not be allowed to be opened in five other States.

I urge a ''no'' vote.

Mr. MINETA. Mr. Chairman, I rise today in strong support of the amendment offered by my colleague from Florida, Mr. HASTINGS.

Mr. Chairman, the Equal Employment Opportunity Commission is the Federal Government's frontline agency in the fight against racial discrimination in employment—a fight which I know we all support.

The amendment before us would increase the appropriation for the Equal Employment Opportunity Commission by $35 million—an amount equal to the President's request for fiscal year 1996.

Recent reforms put in place at EEOC, including the use of mediation as an alternative for resolving disputes and a new system for prioritizing incoming cases, show great promise for reducing the tremendous backlog which has built up in recent years.

And I would here like to thank the Chair of the subcommittee, my good friend from Kentucky, Mr. ROGERS, for his recognition of those reforms in the report language for the bill.

However, additional resources are needed to make those reforms a true success. The gentleman from Florida's amendment would fully fund the President's budget request for EEOC for fiscal year 1996—and help put the teeth back in civil rights enforcement.

I urge my colleagues to vote ''aye'' on the Hastings amendment.

Mrs. MEEK of Florida. Mr. Chairman, I rise to support the Hastings amendment.

This amendment would fully fund the Equal Employment Opportunity Commission, and provide it with the necessary resources to wage wholesale battle on its more than 100,000-case backlog.

I realize that there are some who contend that we must tear down equal opportunity programs as if racial discrimination were ancient history.

And at the same time, they would eliminate every program that holds out even the hope of opportunity and equality.

Sure, there are some businesses that want to do away with the EEOC because they think it is a burden, but I am not thinking about the businesses. I am thinking about the hard-working men and women who must labor day-in and day-our under glass ceilings, and employers who break the law and refuse to judge their employees on their abilities as opposed to their gender or race. If the EEOC is not there to protect these hard-working Americans then who will?

Discrimination is not an evil of the past. Unfortunately, contrary to this Nation's best hopes, today, unlawful employment discrimination is a very painful reality. Just look at the 100,000-case backlog.

As much as we would all like to believe that the problem of employment discrimination has been resolved, both the quantity and the nature of the charges provide evidence to the contrary.

In fiscal year 1994, the EEOC received 91,189 new complaints. As of the second quarter of fiscal year 1995, the backlog of complaints reached 108,106.

Unfortunately, business is still too good for the EEOC. The agency remains as needed, and as relevant today, as it was when Congress created it 30 years ago.

The Hastings amendment says to America, and to this body, that we should be opening the door to opportunity, not slamming it shut. I encourage my colleagues to support the Hastings amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. HASTINGS].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HASTINGS of Florida. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the

Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 576]

Abercrombie
Ackerman
Allard
Andrews
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
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
Christensen
Chrysler
Clay
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooley
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
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
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
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
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
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
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
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thurman
Tiahrt
Torkildsen
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Vucanovich
Waldholtz
Walker
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff
Zimmer

□ 1605

The CHAIRMAN. Four hundred and three Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Florida [Mr. HASTINGS] for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 84, noes 321, not voting 29, as follows:

[Roll No. 577]

AYES—84

Abercrombie
Ackerman
Barrett (WI)
Becerra
Berman
Bishop
Bonior
Brown (CA)
Brown (FL)
Clay
Clayton
Clyburn
Collins (IL)
Conyers
Coyne
Dellums
Diaz-Balart
Dixon
Durbin
Edwards
Engel
Evans
Fattah
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Franks (CT)
Gejdenson
Gibbons
Gunderson
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Jackson-Lee
Jefferson
Johnson, E.B.
Johnston
Kennedy (MA)
Kildee
Klink
Lantos
Lewis (GA)
Lofgren
Martinez
McCarthy
McDermott
McKinney
Meek
Menendez
Mfume
Mineta
Mink
Moran
Nadler
Olver
Owens
Pallone
Pastor
Payne (NJ)
Rangel
Richardson
Ros-Lehtinen
Roybal-Allard
Rush
Sanders
Schroeder
Scott
Serrano
Stokes
Studds
Thompson
Torres
Towns
Tucker
Velazquez
Visclosky
Waters
Watt (NC)
Woolsey
Wynn

NOES—321

Allard
Andrews
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Beilenson
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Dickey
Dicks
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Farr
Fawell
Fazio
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kim
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
LoBiondo
Longley
Lowey
Lucas
Luther
Maloney
Manzullo
Markey
Martini
Mascara
Matsui
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McKeon
McNulty
Meehan
Metcalf
Meyers
Mica
Miller (CA)
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Orton
Packard
Parker
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Rose
Roth
Roukema
Royce
Sabo
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)

Smith (NJ)	Taylor (MS)	Wamp
Smith (TX)	Taylor (NC)	Ward
Smith (WA)	Tejeda	Weldon (FL)
Solomon	Thomas	Weldon (PA)
Souder	Thornberry	Weller
Spence	Thornton	White
Spratt	Thurman	Whitfield
Stearns	Tiahrt	Williams
Stenholm	Torkildsen	Wilson
Stockman	Torricelli	Wise
Stump	Traficant	Wolf
Stupak	Upton	Wyden
Talent	Vento	Yates
Tanner	Vucanovich	Young (FL)
Tate	Waldholtz	Zeliff
Tauzin	Walker	Zimmer

NOT VOTING—29

Archer	Graham	Oxley
Bateman	Green	Reynolds
Blute	Hall (OH)	Stark
Chenoweth	Hoke	Volkmer
Clement	King	Walsh
Collins (MI)	Livingston	Watts (OK)
Costello	Manton	Waxman
Dingell	McIntosh	Wicker
Duncan	Moakley	Young (AK)
Gekas	Neal	

□ 1612

The Clerk announced the following pair:

On this vote:

Mr. Stark for, with Mr. Neal against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BLUTE. Mr. Chairman, on rollcall No. 577, the Hastings amendment, and the previous quorum call, I was unavoidably absent. Had I been present, I would have voted ''no'' on the Hastings amendment.

□ 1613

AMENDMENT NO. 13 OFFERED BY MR. BECERRA

Mr. BECERRA. 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. BECERRA: Page 59, line 9, strike ''16,400,000'' and insert ''$8,400,000''.

Page 16, line 5, strike ''$1,421,481,000'' and insert ''$1,429,481,000''.

Page 17, line 2, before the period insert, '': *Provided further,* That $8,000,000 shall be available to promote and expedite naturalization, in accordance with section 332 of the *Immigration and Nationality Act*''.

Mr. BECERRA. Mr. Chairman, let me begin by thanking the chairman of the committee and the ranking member for their thoughtfulness as they approached this amendment, and try to address the body on this particular issue.

The issue at hand is that of naturalization. Too often when we talk about the Immigration and Naturalization Service within the Department of Justice, we forget what the ''N'' in INS stands for.

Naturalization is one of the principal components of the work of the INS. Unfortunately, too many people do not see the naturalization efforts of the INS.

Mr. Chairman, by the end of this decade, before we reach the 21st century, there will be nearly 11.5 million people in this country who will be eligible for U.S. citizenship. Let me give some quick information on where we are right now.

The INS approved during fiscal year 1994 roughly 420,000 applications for naturalization, people who wanted to become U.S. citizens. At the end of that fiscal year, they had a backlog of 300,000 people wishing to become U.S. citizens.

This fiscal year, the INS estimates that it will have 900,000 people who will come through their doors applying for citizenship. They estimate that with the current funding they have, plus some reprogramming funds from fee accounts that they receive of about $22 million, they will be able to process about 700,000 people.

Mr. Chairman, fully 200,000 people will be added to the 300,000 backlog, so we will end up with 500,000 people, half a million people, seeking citizenship who have gone through the entire process and are still not able to become citizens, after they paid their fees and waited their time.

The amendment I have, Mr. Chairman, is an attempt to try to address that major backlog that we have. We are talking about people who in some cases have waited 12 to 15 years to enter this country, to get the permission to get to this country. People who, once in this country, pay every single tax that a citizen does, abide by every single law that a citizen does, and in many cases, like citizens, have defended this country in time of war, whether the Gulf War or any other theater of war. They are on their way to becoming full-fledged American citizens, and now we find at this time that we cannot accommodate them.

This amendment is an effort to try to do just that and help relieve the backlog.

I believe it is important for us to send a message to people who have gone through every step the correct way to come into this country, that they are entitled to get processed through because they have paid a fee to do so. It seems anomalous to me to consider the fact that we have hundreds of thousands of people who have said they are willing to relinquish their current citizenship and adopt this country fully and faithfully, yet we cannot get there because we are unable to get through the bureaucracy to get them sworn in.

For some people to have to wait fully 2 years between submitting their fees and their application and actually getting to be sworn in, to say, ''I do become a U.S. citizen,'' is abysmal. We must change that.

The money that I am requesting through this amendment, $8 million for the INS, would not resolve the whole problem, but it would get us part of the way there and help us stay more current with our applications and relieve, or at least eliminate a good portion of the backlog, if not all the backlog.

Mr. Chairman, for that reason, I believe this amendment is very worthy of consideration.

Ms. ROS-LEHTINEN. Mr. Chairman, will the gentleman yield?

Mr. BECERRA. I yield to the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Mr. Chairman, under the leadership of the gentleman from Arizona [Mr. PASTOR] and the gentleman from Illinois [Mr. GUTIERREZ] the Hispanic Caucus has undertaken an ambitious, nationwide program to get more naturalized Americans. As a naturalized American myself, I know how important this process can be.

One of the problems, a serious problem that we have had, is the incredible backlog in every major urban center, whether it is Miami, Los Angeles, New York, Chicago. Freeing up more money and making sure that INS, as the gentleman from California, [Mr. BECERRA] points out, puts the ''N'' back in INS, is very important to clear up this backlog.

Mr. Chairman, I congratulate the gentleman from California for highlighting this concern.

Mr. BECERRA. Mr. Chairman, I thank the gentlewoman for her words.

Mr. Chairman, I will conclude by saying the following: We have actually increased the funding for the Immigration and Naturalization Service dramatically, and it is about time, because we know we need to do more to try to regulate our borders. We know we have to do a better job of verifying those who have come into this country with visas and ultimately overstay their visas and no longer have the permission to be here.

We have the job to do to make sure that people who are entitled to work do work, and those that do not have the authority to work do not. We have a lot of things to do, and much of the money that we are providing to the INS goes to those areas.

But, Mr. Chairman, we unfortunately do not do the job that we can, and certainly that the INS should do, to try to eliminate the backlog of people who say, ''We are ready to become full-fledged participants in this American society.''

Mr. Chairman, I believe it is consistent with a great Nation to say that we will be there with them to carry them through the process.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. BECERRA. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the gentleman has gone a long way to bring to the attention of this body, and our subcommittee, the problem that exists in the backlog of applications for naturalization at INS. The subcommittee, as the gentleman has said, has provided record sums, even a record increase in funding for INS, but the funding for the naturalization still is low, as the gentleman has pointed out, given the backlog that they have.

The gentleman and other Members, the gentlewoman from Florida [Ms.

ROS-LEHTINEN] and others, have pointed out the shortcomings, and the subcommittee will be having an opportunity to help the INS solve the problem.

There are reprogramming procedures that the gentleman is aware of where we are able to reprogram from one part of INS to another, funding for various purposes, and I assure the gentleman that in the next round of reprogramming, funds will be provided to stay current and eliminate the backlog in naturalization applications; I assure the gentleman of that.

Mr. BECERRA. Mr. Chairman, I thank the gentleman from Kentucky [Mr. ROGERS] for that assurance.

The CHAIRMAN. The time of the gentleman from California [Mr. BECERRA] has expired.

(By unanimous consent, Mr. BECERRA was allowed to proceed for 2 additional minutes.)

Mr. BECERRA. Mr. Chairman, I thank the distinguished gentleman from Kentucky [Mr. ROGERS] for his recognition of this problem, and for working with a number of us to try to resolve this.

Mr. Chairman, we know that there are program accounts which are funded through fees, and those funds, with those fees, are subsequently allocated by the administration with the approval of Congress.

Is it the chairman's intention that the next time we have reprogramming done by the INS, as they come to the Congress for approval of those reprogramming priorities, that we make it clear to the INS, and it may be our efforts in Congress, to assure as they reprogram those dollars, that it is the intention to eliminate the backlog of naturalization applications and stay current with those applications for naturalization that are coming in?

Mr. ROGERS. Mr. Chairman, that is correct.

Mr. BECERRA. Mr. Chairman, I thank the gentleman for his time and his great efforts on this issue, because I think as most people will recognize in this Chamber, anyone who pays for a service is entitled to get it. What we are trying to do is accelerate the process.

Mr. Chairman, I hope now we have as much cooperation with the administration as we have had from the committee on this particular matter.

Mr. ROGERS. Mr. Chairman, if the gentleman would yield further, I would hope, on that assurance, that the gentleman would withdraw his amendment.

Mr. BECERRA. Mr. Chairman, with that assurance, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

AMENDMENT NO. 48 OFFERED BY MR. GUTIERREZ

Mr. GUTIERREZ. 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. GUTIERREZ: Page 17, line 2, before the period insert *''Provided further,* That $4,000,000 shall be available to promote the opportunities and responsibilities of United States citizenship with the assistance of appropriate community groups, in accordance with section 332(h) of the Immigration and Nationality Act''.

Mr. GUTIERREZ. Mr. Chairman, the amendment I offer today is very simple and I believe it should be supported by anyone who believes that the Federal Government should do all it can to encourage immigrants to our Nation to become citizens.

Mr. Chairman, my amendment is about using Federal dollars efficiently. It is about providing desperately needed community outreach and resources to people who want to become U.S. citizens, and it is about making an important statement that this Government wants to take every action it possibly can to encourage U.S. citizenship.

My amendment earmarks $4 million in funding to allow appropriate community groups to work with the Immigration and Naturalization Service to promote the opportunities and responsibilities of United States citizenship.

Mr. Chairman, let me tell my colleagues how this program works. In my city of Chicago, our regional INS office cannot possibly keep up with the volume of people who desire to become citizens of our great Nation. To help try to provide the basic and vital service of naturalizing qualified individuals, the office has empowered community groups to prepare citizenship applications.

All across my city respected and effective community organizations have been approved by the INS office to sponsor and promote citizenship workshops. After these workshops, volunteers help eligible applicants complete their application forms, take the photos and the fingerprints as required by law.

In many cases, volunteer attorneys double check the applications to make certain everything is in order. The community organizations then again check the applications for accuracy and turn them into the regional INS office for processing.

This convenient, efficient, and affordable practice has allowed tens of thousands of Chicagoans to start on the road to citizenship. It has saved hundreds of thousands of Chicagoans lengthy waits in lines at regional INS offices, bringing government services right to the neighborhoods.

In short, Mr. Chairman, it is a rare action that the Federal Government has taken to actually make its services more efficient; to respond effectively to a need; to send a strong message to people that Government will solve problems instead of create them.

How do I know? Because on July 8, Mr. Chairman, the Congressional Hispanic Caucus sponsored a National Citizenship Day in conjunction with NALEO in nine cities. From Houston to New York, from Miami to Los Angeles, in 1 day we efficiently and effectively helped more than 9,000 people start toward citizenship.

Mr. Chairman, my office alone in Chicago in the last year has handed in over 5,000 applications for citizenship and it is a program that should be encouraged and expanded. My amendment simply provides the resources to the INS to work to expand this program across the country; to invest in empowering community groups at the local level who can help share the responsibility of an increasing number of citizenship applications.

The vast majority of immigrants come to our Nation looking for nothing more than a chance to contribute, a chance to share in the freedom and the prosperity that is America. An opportunity one day to become full partners in the fight for the American dream by becoming American citizens.

□ 1630

All my amendment does is make it a little bit easier for them to have that opportunity. It is not a dramatic amount of money, simply enough to expand the modest work already begun. It is reasonable and an expenditure that puts this Congress on record as supporting and helping in an efficient manner people who want nothing more than to contribute to our Nation.

My friends, we all know these are dangerous days for immigrants in our Nation. This body has gone on record in supporting dramatic cuts and elimination of services to noncitizens, people who reside in our Nation perfectly legally. I emphasize legal, people who are in this Nation as all of us are here as Members of Congress today, and I ask my friends to help and support in reaching the goals of tens of thousands of others who wish to share in the American dream.

Mr. SERRANO. Mr. Chairman, will the gentleman yield?

Mr. GUTIERREZ. I yield to the gentleman from New York.

Mr. SERRANO. Mr. Chairman, I just want to share with our colleagues what happened in New York. The gentlewoman from New York [Ms. VELÁZQUEZ] and I encourage the people to come to the July 8 citizenship day. We set up an 800 number. One thousand people showed up and were processed for citizenship, but 29,000 phone calls came in that we were able to record.

Every time 40 phone calls came into the machine, the system closed down until we cleared it out, so the estimate is that maybe over 100,000 people called up.

Again, to reiterate, people who are here with documents, people who are here legally, as we say, people who want to be American citizens, we were able to process them on their way to full citizenship.

I think it is important to support this amendment and to say if we, indeed, wish people to follow the law,

then what we should be supportive of is this kind of amendment.

Mr. ROGERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would ask the gentleman, based on the assurances that I am prepared to make to him, if he might be willing to withdraw the amendment. Let me say this to this gentleman: It is my intent that from within funds provided to the Immigration and Naturalization Service, funds be provided to community based organizations to promote the opportunities and responsibilities of U.S. citizenship with the assistance of appropriate community groups in accordance with section 332(h) of the Immigration and Nationality Act, and we will work with the gentleman to make sure that happens.

Based on that assurance, I would hope the gentleman would be able to withdraw his amendment.

Mr. GUTIERREZ. If the gentleman would yield, if I could enter into a colloquy with the gentleman and ask him one question, No. 1, I would like to thank the gentleman for working and making those assurances, and certainly we are going to be willing to withdraw our amendment.

I would just like to ask to make sure that community based organizations are actually going to get dollars so that they can go out and sponsor these workshops and be viable in terms of helping, and I say that, and I want to let all the Members know that when someone goes to an INS office with an application that is badly done, the INS personnel there have to turn that back to that individual, wasting dollars and time. When community organizations do these events, we have lawyers checking them, doing the fingerprinting, and if the INS finds anything wrong, anybody authorized by the INS to conduct these workshops, if they find anything wrong, the INS sends back the application directly back to the community organization and says, ''Fix it,'' ''If you do not get it right, do not bring it back to us,'' which I think is very appropriate.

Mr. ROGERS. Reclaiming my time, the gentleman has made a very eloquent case and need not make it further.

It is my intent, as the gentleman requested, that we will work with the gentleman to see that funds are provided.

Mr. GUTIERREZ. Mr. Chairman, I thank you for your leadership on this issue.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

The CHAIRMAN. Are there further amendments to title I?

Mr. HUNTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a colloquy with the distinguished gentleman from Kentucky [Mr. ROGERS], the chairman.

Mr. Chairman, I understand that following the closure of the border patrol checkpoints at San Clemente and Temecula, CA, approximately $7.5 million will be available for INS border and infrastructure improvements, subject to approval by your committee.

I would request that, in the course of evaluating proposals for this funding, that you would consider using the funding for construction of fencing along the border area in San Diego. The comprehensive immigration reform legislation that is now pending before the Committee on the Judiciary, that is, H.R. 1915, includes the authorization for an additional border fencing project and road improvements in the San Diego sector, and this would augment our program increases for border security and the enforcement of our immigration laws.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Kentucky.

Mr. ROGERS. The gentleman is one of the champions of border protection and has done more than anyone that I am aware of in this body to protect the borders of our country, and I am aware that the construction of barriers at certain points along our southern border has greatly enhanced the operations of the border patrol.

I will work with the Commissioner of the INS and the gentleman in securing funding for those projects.

Mr. HUNTER. I thank the gentleman. We owe him a debt of gratitude for the increases he has made in border enhancement, and the gentleman from West Virginia.

The CHAIRMAN. Are there further amendments to title I?

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the last work for the purposes of entering into a colloquy with the distinguished chairman of the committee.

Mr. Chairman, I appreciate the opportunity to discuss with you the importance of a program, the community-based justice grant program, which was contained in last year's crime bill, which has been a part of the local law enforcement block grant.

This is a very, very impressive program that was initiated by the district attorney in Middlesex County, MA, Tom Riley.

Several years ago I went up to Lowell, MA, on a hot summer day. In the morning I met with over 100 residents of the city of Lowell, MA, who were meeting with five young top police officers. This was a tremendous program where 100 residents of the city of Lowell, MA, got together with five young police officers from the Lowell department with a couple of young prosecutors and identified some of the worst violent criminals in the city of Lowell. They went after these criminals in a way that was unprecedented and, as a result, we saw the crime rate in Lowell, MA, drop by 50 percent.

Last year, for the first time in scores of years, we saw the crime rate drop to its lowest point. There was not a single murder committed in Lowell, MA, last year.

We expanded the program into Somerville, MA, Malden, MA, a range of other cities and towns throughout the State. In each case the crime rate was dropped in half or better as a result of the people taking the streets back, working hand in glove with the local police department and taking the time to identify specific criminals that were perpetrating violent crimes against others. If they think there are drugs being dealt in at a particular apartment, they tell the local prosecutor, tell the police officers, and work together to eliminate and eradicate those individuals that are responsible for these crimes. It really is a tremendous program.

Mr. MEEHAN. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to my good friend, the gentleman from Lowell, MA [Mr. MEEHAN], who was a prosecutor in that program and did some fine work in bringing many of the criminals to justice as well.

Mr. MEEHAN. I thank my colleague, the gentleman from Massachusetts [Mr. KENNEDY]. No doubt I was probably one of those young prosecutors before I got down here and became an old Member of Congress.

In any event, I thank the gentleman from Massachusetts [Mr. KENNEDY] for his efforts over the years in this program.

The tremendous thing about this program is not only does it identify those worst offenders and have the community identify those worst offenders and remove them from society, but once those individuals are removed, there is a program in place where the police officers coach soccer leagues and football leagues and work with the rest of the communities so they get kids headed in the right direction. They opened up gymnasiums, opened up the schools. That is a program that is working extremely effectively.

I think when the Justice Department looks for a model in terms of community-based prosecution, as the gentleman from Massachusetts [Mr. KENNEDY] said, they have to look no further than Lowell, MA, and Somerville, MA, as well. This program has been implemented there.

I thank the gentleman from Massachusetts [Mr. KENNEDY] for his efforts. I think this is extremely important.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I just would hope that you might encourage people under this block grant. I know that in the past we have been able to set aside some funds for this program under the new leadership that has been determined to make decisions at the local level. I hope you would join with me in encouraging police departments and prosecutors from around the country to apply for the

funds that are available under this program because of the tremendous successes it has had.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from Kentucky.

Mr. ROGERS. I want to compliment the gentleman for bringing to our attention the efforts that are ongoing in your State.

As an old State prosecutor, I can appreciate very much the efficacy of what they are doing there. I support the type of efforts at the local level you have mentioned to control crime and certainly would encourage local communities to use block grant funds that are in this bill to fund efforts of this type, and would join the gentleman in encouraging your communities as well as others across the country to get those block grant applications in at the appropriate time to fund this type of activity.

Mr. KENNEDY of Massachusetts. I thank the chairman.

The CHAIRMAN. Are there other amendments to title I?

Mr. DORNAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage in a colloquy. Mr. Chairman, in the report language for H.R. 2076, there is a section entitled ''State and local enforcement assistance,'' under which grants are provided for the Edward Byrne Memorial State and local law enforcement assistance programs.

In that report language, Mr. Chairman, it states this:

> The committee also encourages the attorney general to provide grants to public or private agencies and private nonprofit organizations for advanced education and training of criminal justice personnel and to provide educational assistance to students who possess a sincere interest in public service law enforcement. The committee expects the Bureau of Justice Assistance to submit a report to the committee on its intentions for this proposal by November 15, 1995.

Now, based on our previous conversations, mine with you, Mr. Chairman, it is my understanding that the intent of this language was to strongly urge the Department of Justice to provide a portion of the funding in the Byrne Grant Program to fund State and local police corps programs as well as State and local law enforcement scholarship programs as previously authorized by Congress in the Violent Crime Control and Law Enforcement Act of 1994.

Am I correct in this assessment, sir?

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. DORNAN. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the gentleman is absolutely correct. As I have stated to the gentleman previously, it is my intention to strongly urge that the Attorney General use a portion of the Byrne Grant Funding Program for the purposes that you have described.

Mr. DORNAN. Excellent. I thank the chairman.

Mr. ROGERS. I thank the gentleman from California [Mr. DORNAN] for bringing this to our attention.

The CHAIRMAN. 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—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $20,949,000, of which $2,500,000 shall remain available until expended: *Provided,* That not to exceed $98,000 shall be available for official reception and representation expenses.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $42,500,000, to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtain insurance on official motor vehicles; and rent tie lines and teletype equipment; $264,885,000, to remain available until expended: *Provided,* That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to 15 U.S.C. 4912; and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law; $38,644,000, to remain available until expended: *Provided,* That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, Public Law 91–304, and such laws that were in effect immediately before September 30, 1982, and for trade adjustment assistance, $328,500,000: *Provided,* That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly for attorneys' or consultants' fees in connection with securing grants and contracts made by the Economic Development Administration: *Provided further,* That, notwithstanding any other provision of law, the Secretary of Commerce may provide financial assistance for projects to be located on military installations closed or scheduled for closure or realignment to grantees eligible for assistance under the Public Works and Economic Development Act of 1965, as amended, without it being required that the grantee have title or ability to obtain a lease for the property, for the useful life of the project, when in the opinion of the Secretary of Commerce, such financial assistance is necessary for the economic development of the area: *Provided further,* That the Secretary of Commerce may, as the Secretary considers appropriate, consult with the Secretary of Defense regarding the title to land on military installations closed or scheduled for closure or realignment.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $20,000,000: *Provided,* That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $32,000,000.

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the United States Travel and Tourism Administration

for participation in the White House Conference on Travel and Tourism, $2,000,000, to remain available until December 31, 1995: *Provided,* That none of the funds appropriated by this paragraph shall be available to carry out the provisions of section 203(a) of the International Travel Act of 1961, as amended.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $40,000,000, to remain available until September 30, 1997.

ECONOMICS AND STATISTICS ADMINISTRATION REVOLVING FUND

The Secretary of Commerce is authorized to disseminate economic and statistical data products as authorized by 15 U.S.C. 1525–1527 and, notwithstanding 15 U.S.C. 4912, charge fees necessary to recover the full costs incurred in their production. Notwithstanding 31 U.S.C. 3302, receipts received from these data dissemination activities shall be credited to this account, to be available for carrying out these purposes without further appropriation.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $136,000,000.

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to collect and publish statistics for periodic censuses and programs provided for by law, $135,000,000, to remain available until expended.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration, $19,709,000, to remain available until expended: *Provided,* That notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of the NTIA in furtherance of its assigned functions under this paragraph and such funds received from other Government agencies shall remain available until expended.

PUBLIC BROADCASTING FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $19,000,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided,* That not to exceed $2,200,000 shall be available for program administration as authorized by section 391 of the Act: *Provided further,* That notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, $40,000,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided,* That not to exceed $4,000,000 shall be available for program administration and other support activities as authorized by section 391 of the Act including support of the Advisory Council on National Information Infrastructure: *Provided further,* That of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: *Provided further,* That notwithstanding the requirements of section 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety or other social services.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Commissioner of Patents and Trademarks; $100,000,000, to remain available until expended: *Provided,* That the funds made available under this heading are to be derived from deposits in the Patent and Trademark Office Fee Surcharge Fund as authorized by law: *Provided further,* That the amounts made available under the Fund shall not exceed amounts deposited; and such fees as shall be collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, shall remain available until expended.

SCIENCE AND TECHNOLOGY

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $263,000,000, to remain available until expended, of which not to exceed $8,500,000 may be transferred to the ''Working Capital Fund''.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, $81,100,000, to remain available until expended, of which not to exceed $500,000 may be transferred to the ''Working Capital Fund'': *Provided,* That none of the funds made available under this heading in this or any other Act may be used for the purposes of carrying out additional program competitions under the Advanced Technology Program: *Provided further,* That any unobligated balances available from carryover of prior year appropriations under the Advanced Technology Program may be used only for the purposes of providing continuation grants.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $60,000,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including acquisition, maintenance, operation, and hire of aircraft; not to exceed 386 commissioned officers on the active list; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and alteration, modernization, and relocation of facilities as authorized by 33 U.S.C. 883i; $1,690,452,000, to remain available until expended: *Provided,* That notwithstanding 31 U.S.C. 3302 but consistent with other existing law, fees shall be assessed, collected, and credited to this appropriation as offsetting collections to be available until expended, to recover the costs of administering aeronautical charting programs: *Provided further,* That the sum herein appropriated from the general fund shall be reduced as such additional fees are received during fiscal year 1996, so as to result in a final general fund appropriation estimated at not more than $1,687,452,000: *Provided further,* That any such additional fees received in excess of $3,000,000 in fiscal year 1996 shall not be available for obligation until October 1, 1996: *Provided further,* That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further,* That in addition, $55,500,000 shall be derived by transfer from the fund entitled ''Promote and Develop Fishery Products and Research Pertaining to American Fisheries'': *Provided further,* That grants to States pursuant to sections 306 and 306(a) of the Coastal Zone Management Act, as amended, shall not exceed $2,000,000.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to 16 U.S.C. 1456a, not to exceed $7,800,000, for purposes set forth in 16 U.S.C. 1456a(b)(2)(A), 16 U.S.C. 1456a(b)(2)(B)(v), and 16 U.S.C. 1461(c).

CONSTRUCTION

For repair and modification of, and additions to, existing facilities and construction of new facilities, and for facility planning and design and land acquisition not otherwise provided for the National Oceanic and Atmospheric Administration, $42,731,000, to remain available until expended.

FLEET MODERNIZATION, SHIPBUILDING AND CONVERSION

For expenses necessary for the repair, acquisition, leasing, or conversion of vessels, including related equipment to maintain and modernize the existing fleet and to continue planning the modernization of the fleet, for the National Oceanic and Atmospheric Administration, $20,000,000, to remain available until expended.

FISHING VESSEL AND GEAR DAMAGE COMPENSATION FUND

For carrying out the provisions of section 3 of Public Law 95–376, not to exceed $1,032,000, to be derived from receipts collected pursuant to 22 U.S.C. 1980 (b) and (f), to remain available until expended.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $999,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96–339), the Magnuson Fishery Conservation and Management Act of 1976, as amended (Public Law 100–627) and the American Fisheries Promotion Act (Public Law 96–561), there are appropriated from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $196,000, to remain available until expended.

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, $5,000,000.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed $3,000 for official entertainment, $29,100,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11 as amended by Public Law 100–504), $21,849,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. None of the funds provided in this or any previous Act, or hereinafter made available to the Department of Commerce shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses paid before October 1, 1992, as authorized by section 8501 of title 5, United States Code, for services performed after April 20, 1990, by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the 1990 decennial census of population.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

This title may be cited as the ''Department of Commerce and Related Agencies Appropriations Act, 1996''.

The CHAIRMAN. Are there amendments to title II?

Mr. CLINGER. Mr. Chairman, I move to strike the last word.

As I was saying in title I and now in title II, I had been prepared to offer an amendment to this title of the measure which would have, in effect, cut the funding for the general administration of the Department of Commerce by 25 percent, the objective being, in effect, to indicate that the first three-quarters of next year of the Department of Commerce would be funded, but the last quarter would not, contemplating the dissolution of the Department of Commerce by that time.

Mr. Chairman, the department serves a number of important functions, but I believe any of these functions, any of these functions can be performed just as well or perhaps better in the private sector or the State or local level or elsewhere in the Federal Government. Those functions that are unnecessary should be terminated.

I think we would all agree the Commerce-Justice-State Appropriations Subcommittee has already eliminated funding for the U.S. Travel and Tourism Administration and the Advanced Technology Program. I would like to see us go the next step forward, which is to have all committees with jurisdiction over this department work on an expedited basis to find an appropriate home for necessary Commerce Department programs, eliminate those that are not necessary, and ultimately abolish the Department, and this we can do within the reconciliation process.

Functions of the Commerce Department overlap with 71 agencies and 60 percent of the agency is not focused on trade or commerce, which, in my view, should be the focus of the Department. It is instead devoted to NOAA, the National Oceanic and Atmospheric Administration, which is 60 percent of the funding and the manpower of the department. Responsibility for the trade functions of the department are spread out among multiple undersecretaries, assistant secretaries and others.

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Clearly, Mr. Chairman, there is room to preserve and improve the central functions of government without maintaining the sprawling bureaucracy of the Department of Commerce. It is my view that because it is so diverse, running from the prior administration to the patent office, NOAA and all the rest of it, that the principal focus, which should be on the trade mission and promoting U.S. trade, both at home and abroad, it does not get the attention that it really deserves in this huge, loaded bureaucracy.

So Mr. Chairman, I will not offer my amendment today, as I have confidence that we can work, and are working, on a very regular and expedited basis with the authorizing committees, of which there are many, to effect a timely dismantling of this department through the reconciliation process.

I would urge my colleagues to support these efforts.

Mr. BROWNBACK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I intend to vote for final passage of the appropriations bill because this is the beginning of the end of the Department of Commerce. Yes, the bill could have gone further and more programs could be eliminated outright, yet this will be done in cooperation, as the gentleman from Pennsylvania [Mr. CLINGER] just stated, with all of the relevant authorizing committees as part of the reconciliation process in moving forward.

Mr. Chairman, the Department of Commerce cannot and should not be eliminated in one appropriations bill. We must craft responsible legislation to do certain things. Privatize certain functions, localize certain functions back to State and local government. Consolidate certain functions within the Federal Government and eliminate some outright from the Department of Commerce.

While we speak, authorizing committees are moving to construct legislation to do just this. We have received solid commitments and firm commitments from the leadership and from the authorizing committees to move this package forward aggressively this year.

Mr. Chairman, our goal of improving commerce in our vast and diverse Nation will not be accomplished by a centralized bureaucracy. We do not promote commerce by erecting crippling taxes and a regulatory maze that you need a cabinet and department level to break through. I think we promote it by free enterprise.

A recent Business Week poll of executives illustrated their support of eliminating the Department of Commerce by calling for its elimination by a vote of two-to-one. The American people have spoken. They want a smaller, more limited, more focused Federal Government. I urge my colleagues to work with the authorizing committees to eliminate the Department of Commerce this year.

Mr. CHRYSLER. Mr. Chairman, will the gentleman yield?

Mr. BROWNBACK. I yield to the gentleman from Michigan.

Mr. CHRYSLER. Mr. Chairman, I thank the gentleman from Kansas for yielding. I also thank the gentleman from Kentucky [Mr. ROGERS] for his work in not funding many of these agencies within the Department of Commerce, and I also thank the gentleman from Pennsylvania [Mr. CLINGER] on his efforts for 21st century government to give us less government and lower taxes and letting people keep more of what they earn and save.

Mr. Chairman, I too intend to vote for final passage of this appropriation bill. As the gentleman from Kansas has said, we have received assurances from the speaker and the majority leader that the Department of Commerce will be dismantled as part of this year's budget reconciliation package.

Our task force study on the Department of Commerce found that all but 3 of the 100 programs in Commerce are duplicated someplace else within the Federal Government and/or by the private sector. Here is what the business community says about the Department of Commerce: Just a few weeks ago, the Wall Street Journal carried a story reporting that business sheds few tears over the calls for the department's elimination.

A recent Journal of Commerce headline declared the Commerce Department seen less vital than deficit cut. Business support wanes for the agency.

From my own experience in my business of over 1,200 employees, in doing business in 52 countries around the world, not once did we call for help from the Department of Commerce and/or did they call us. American businesses would be much better served if the Federal efforts were focused on cutting taxes and enacting regulatory and tort reform, and most importantly, balancing the Federal budget. Yet the voice of business, the Department of Commerce, remains notably silent on all of these issues.

Mr. Chairman, by dismantling the Department of Commerce, not only will we be creating a more efficient and effective Federal Government, we will be saving taxpayers $8 billion.

Mr. Chairman, we will look forward to working with the authorizing committees to put the Department of Commerce out of business.

Mr. BROWNBACK. Mr. Chairman, we look forward to working with the appropriate authorizing committees and thank very much the appropriating committee for working with us.

The CHAIRMAN pro tempore (Mr. EVERETT). Are there amendments to title II?

AMENDMENT OFFERED BY MR. MOLLOHAN

Mr. MOLLOHAN. Mr. Chairman, I offer an amendment.

Mr. CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MOLLOHAN: On page 44, line 4, strike ''$1,690,452,000'' and insert ''$1,752,652,000''.

On page 44, line 14, strike ''$1,687,452,000'' and insert ''$1,749,652,000'' .

On page 43, line 16, strike ''$60,000,000'' and insert ''$50,000,000''.

On page 45, line 14, strike ''$42,731,000'' and insert ''$32,731,000''.

On page 51, line 4, strike ''$2,411,024,000'' and insert ''$2,388,824,000''

On page 57, line 4, strike ''$1,716,878,000'' and insert ''$1,706,878,000''.

On page 59, line 3, strike ''$363,276,000'' and insert ''$353,276,000''.

AMENDMENT OFFERED BY MR. ROGERS AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. MOLLOHAN

Mr. ROGERS. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS as a substitute for the amendment offered by Mr. MOLLOHAN: On page 44, line 4, strike ''$1,690,452,000'' and insert ''$1,724,452,000''

On page 44, line 14, strike ''$1,687,452,000'' and insert ''$1,721,452,000''

On page 45, line 23, strike ''$20,000,000'' and insert ''$8,000,000''

On page 62, line 7, strike ''$870,000,000'' and insert ''$858,000,000''

On page 42, line 6, strike ''$100,000,000'' and insert ''$90,000,000''.

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment offered as a substitute for the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on the Mollohan amendment, my substitute amendment, and all amendments thereto close in 20 minutes and the time be equally divided.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Kentucky [Mr. ROGERS] will be recognized for 10 minutes in support of his substitute, and the gentleman from West Virginia [Mr. MOLLOHAN] will be recognized for 10 minutes in support of his amendment.

The Chair recognizes the gentleman from Kentucky [Mr. ROGERS].

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

Mr. Chairman, this substitute amendment adds $34 million to the NOAA programs, of great interest to Members from coastal areas of the United States and to Members from the Great Lakes region of the country.

The programs are as follows: We add $20 million to the National Marine Fisheries Service, an increase of $20 million; the Great Lakes Environmental Research Labs, an increase of $4 million; the Coastal Ocean Science Program, authorized by the House Committee on Science, an additional $5 million; and the Coastal Zone Management Program, an increase of $5 million.

The purpose of this substitute is to address concerns raised by a number of Members about coastal and fisheries programs. This substitute is paid for by three offsets. One, it reduces the NOAA Fleet Modernization Program by $12 million; two, it reduces contributions to international organizations by $12 million; and three, it reduces the Patent and Trademark Office by $10 million.

Mr. Chairman, this amendment represents a compromise to the Mollohan amendment, which would have, in my opinion, made a number of unwise choices in the bill; namely, cutting the judicial system funding to offset increases in the Commerce Department.

We realize how important fisheries, and coastal programs are to many of our Members. We also realize how important it is that we balance the competing priorities and important programs in this bill. Adjustments may be necessary as we proceed to conference on the bill. But I assure my colleagues that we will work diligently to address the concerns of all Members to the best of our ability.

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

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

Mr. Chairman, I support the compromise agreement to restore $34 million to programs under the National Oceanic and Atmospheric Administration. Mr. Chairman, this compromise will be completely offset. Specifically, this compromise would add $20 million to important programs under NOAA's National Marine Fisheries Service. It would restore funding for the popular Great Lakes Environmental Research Laboratory, and increase funding by $5 million for the Coastal Zone Management grants. Finally, Mr. Chairman, it would add $5 million for the Coastal Ocean Program.

Mr. Chairman, NOAA's fishery and coastal ocean programs have traditionally been underfunded and they took really painful cuts in this year's bill. Restoring the programs to the levels that these numbers reflect will prevent the deterioration of vital national resources.

Mr. Chairman, let me express my appreciation to all of those who have supported our efforts with regard to my original amendment. Also, I would like to express appreciation to the chairman for his accommodation in reaching a compromise which is reflected in his substitute amendment.

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

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER], chairman of the Committee on Science.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding time to me. I want to congratulate the gentleman from Kentucky [Mr. ROGERS] and the gentleman from West Virginia [Mr. MOLLOHAN] for working out this substitute. I think that they have helped strengthen and improve the bill.

Mr. Chairman, although it still funds the NOAA discretionary programs above the level of H.R. 1815, our authorization bill, it does track H.R. 1815 to a much greater extent than previously. The substitute funds the Coastal Ocean Program at $5 million, which H.R. 1815 authorizes. It reduces the funding for the fleet modernization account which was eliminated in H.R. 1815. This reduction is consistent with the support of the Committee on Science for privatizing the NOAA Fleet and eliminating the NOAA Corps.

The substitute is also notable for what it does not do. It does not reduce NIST construction funding, allowing the people at NIST to move forward with the programs that they need to have to upgrade and modernize those laboratories. It does not endanger the National Weather Service modernization. That would also have been tragic, to move forward on something that would undercut our ability to do the next generation of weather radar.

I support the substitute of the gentleman from Kentucky [Mr. ROGERS] and encourage my colleagues to join me in voting for that measure.

Mr. MOLLOHAN. Mr. Chairman, I am very pleased to yield 1 minute to the

distinguished gentlewoman from Hawaii [Mrs. MINK].

(Mrs. MINK of Hawaii asked and was given permission to revise and extend her remarks.)

Mrs. MINK of Hawaii. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, the fiscal year 1995 levels of funding of two very important programs are not being fully funded in this bill. I assume that with the restoration of some of the funds in the substitute amendment, which is now pending, that these two programs will have a chance to survive. These are two essential programs for the saving of the Hawaiian Monk Seal Program and the Hawaiian Sea Turtle Program.

Mr. Chairman, there is a tremendous possibility that if the programs are not funded, that these species will actually go extinct, and it will be a tremendous loss, not just to Hawaii, but to the whole world. These two species do not occur anywhere else on this planet, and it is extremely important that this 15-year program be funded and be continued and not be sacrificed, because without the support of the National Government in this effort, these two species will likely disappear.

Mr. Chairman, I rise to offer an amendment to restore funding for Hawaiian monk seal and Hawaiian sea turtle recovery programs, which have for the last 15 years worked to assure that these valuable species would not be doomed to extinction. My amendment asks a mere $760,500 to maintain these severely underfunded programs at fiscal year 1995 levels—$520,500 for the Hawaiian Monk Seal Program and $240,000 for the Hawaiian Sea Turtle Program. Discontinuation of these programs at this point would mark a shameful waste of substantial Federal investment in these species and lead to their irreversible disappearance from Hawaii's marine ecosystems.

These funds are desperately needed to assist my State of Hawaii as it suffers the effects of a devastating endangered species crisis. Despite the fact that in land area, the Hawaiian Islands make up a mere 0.2 percent of the United States, an overwhelming 21 percent of listed endangered and threatened species and 18 percent of candidate species in the United States are Hawaiian species. The majority of these are indigenous only to Hawaii—once these species go extinct, they will never exist on this earth again.

The Hawaiian monk seal and Hawaiian sea turtle are two of the State's species in extremely precarious positions. Decades of polluted runoff and ocean discharges have harmed Hawaii's coastal waters and made 13 percent of the shoreline unhealthy habitat for marine life. Highly trafficked areas in Hawaiian waters constantly traversed by cruise ships, glass bottom boats, scuba diving tours, jet skis, snorklers, kayakers, surfers, and other popular ocean activities have disrupted many areas around the islands. Longline, net and other types of fishing have further produced unfriendly territory for many marine species. These human disturbances have plagued the monk seal and sea turtle.

The Hawaiian monk seal, after facing tragic decline for more than 50 years, has come to be designated the most endangered marine mammal within U.S. waters. This 50-million-year-old species can only be found within the Hawaiian Islands and half of its numbers have vanished since the 1950's. In 1976, the animal was listed as depleted under the Marine Mammal Protection Act and as endangered under the Endangered Species Act. Hawaiian monk seal recovery programs were finally initiated in the 1980's, and critical habitat was designated in 1988 from beaches to a depth of 20 fathoms around breeding islands and Maro Reef.

Because of these crucial rehabilitation and recovery programs put into place by the National Marine Fisheries Service [NMFS], the decline of the Hawaiian monk seal has slowed to 5 percent a year. The animal can be found in discrete populations at eight locations in the northwestern Hawaiian Island chain, and in rare birth sightings within the main Hawaiian Islands. Single births have occurred on the Island of Kauai in 1988 and 1991 and the Island of Oahu in 1991.

Only three types of monk seals have ever been known to exist during the Earth's history. The Caribbean monk seal vanished during this century. The Mediterranean monk seal lies on the verge of extinction with only 250 to 300 animals remaining. The Hawaiian monk seal clearly has the best chances at survival with approximately 1,300 animals remaining, according to environmental group Earthtrust. The Federal recovery program for the Hawaiian monk seal could be the last effort worldwide to save the monk seal.

Major causes of mortality specific to the Hawaiian monk seal include predation by tiger sharks, fatal entanglement in marine debris, parasites, heart anomalies, and ciguatera poisoning. In incidents termed ''mobbing,'' groups of adult male seals are seen to kill adult females at breeding islands where the number of adult males is significantly greater than the number of adult females. NMFS has worked to monitor monk seals populations for patterns of reproduction, survival, number of seals at sites, causes of injury, and death and behavior. Undersized female pups have been rehabilitated for release into the wild. NMFS removes debris from island beaches and releases seals trapped in debris. Seals are also translocated to stabilize adult sex ratios to decrease mobbing. It is essential that Hawaiian monk seal research and management programs are allowed to continue to assure the survival and success of this rate and unique animal.

The status of threatened and endangered Hawaiian sea turtles is also perilous. Of the world's seven sea turtle species, five can be found in Hawaiian waters. Of these, the hawksbill and green sea turtles are seen most frequently and found to nest in Hawaii. NMFS efforts have centered around the green sea turtle, which nests almost exclusively in the northwestern Hawaiian Islands. In 1993, 400 to 500 turtles were recorded nesting at the French Frigate Shoals.

Federal research dollars have worked to combat the spread of the deadly fibropapilloma disease, which had become a worldwide problem. This untreatable disease, which has no known cause, produces fatal tumors that interfere with the animals' ability to move, feed, and see. Recent research has shown that the tumors may be viral in origin, opening up the possibility for inoculation against the disease. Without continuation of this research, sea turtles in Hawaii, Florida, and worldwide will be stricken with this rapidly spreading disease.

Hooking mortality has been another major threat to the Hawaiian sea turtle. Many animals drown due to entanglement in gill nets set for fin fish and lobster, and death or amputation of flippers due to entanglement in fishing line is a common tragic occurrence, according to the Sierra Club Legal Defense Fund. NMFS programs have worked to save these precious animals from being fatally snared in fishing nets and lines, and from ingestion of plastic debris.

Alteration and destruction of sea turtle habitat has encompassed a wide range of specific problems, including vehicle traffic on nesting beaches which has crushed eggs and emerging hatchlings. Hatchlings have been distracted by beach fires and lighting, stranding them or otherwise drawing them away from the ocean. Erosion, siltation, and vegetation changes have made it impossible in certain nesting areas for turtles to dig nests. Predation in the sea by tiger sharks and on land by mongooses and feral cats has also led to a reduction in several turtle populations. Federal research to track these threats and to study population dynamics of Hawaiian sea turtles species must be maintained for effective mitigation of dangers facing these animals.

My amendment seeks to restore a small amount of funding to continue a meaningful Federal commitment to two dwindling species. The State of Hawaii's endangered species crisis cannot be ignored because it in turn affects all coexisting ecosystems and each species is eliminated. Termination of Federal programs for the Hawaiian monk seal and Hawaiian sea turtle would cause the rapid deterioration and eventual extinction of these species. I urge my colleagues to support my amendment, which ventures to restore a small amount of this entire appropriation bill we are debating today to save these priceless species from tragic extinction.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. LATOURETTE].

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

Mr. LATOURETTE. Mr. Chairman, I rise to thank the gentleman from Kentucky [Mr. ROGERS] and support his substitute amendment.

Mr. Chairman, I say ''Thank You'' because I had planned to offer an amendment with Congressman QUINN to the bill that addressed funding for the Great Lakes Environmental Research Lab. We approached the committee staff with our case and Chairman ROGERS' amendment addresses our concerns and saves from extinction this most valuable of scientific centers.

The Great Lakes Environmental Research Lab is a fact-finding and fact-interpreting agency. It helps the Federal

Government meet its scientific, ecosystem, and management responsibilities under the Great Lakes Water Quality Agreement with Canada. This responsibility spans 8 States, two provinces, and contains a 1,000-mile international border. The loss of the research lab would put these responsibilities in severe jeopardy.

The GLERL has recently completed studies in Lake Erie to help figure the role of wetlands in reducing the effects of nutrient inputs from non-point agricultural sources. This information will help farmers develop coherent, nonregulatory pollution control.

So far, GLERL work has saved billions of dollars. Its nutrient dynamics and modeling work contributed to saving more than $10 billion dollars of ineffective additional sewage treatment. The present GLERL appropriations level is $5.6 million per year; these savings are equivalent to over 1,000 years of GLERL funding.

The research lab's expertise and research related to contaminated sediments were key to the findings and recommendations of a scientific panel, led by GLERL scientists, that the Coast Guard relax their proposed regulations, thus saving the shipping industry tens of millions of dollars in lost time and additional costs.

The GLERL also helps saves lives. GLERL's Great Lakes Atmospheric Wave Model gives local emergency preparedness agencies the ability to make advanced predictions of shoreline flooding caused by storm surges. GLERL's research will give property owners and industries time to protect their property and evacuate to higher ground.

GLERL's PATHFINDER model for oil/chemical spill trajectory is used by NOAA on the Great Lakes for spill response and by the Coast Guard to help guide search and rescue operations.

When zebra mussels clogged the water intakes in Monroe, MI, and cut off drinking water supplies, GLERL went to work to determine not only how to control zebra mussels, but how to keep them clear of vital water lines.

When the people of Milwaukee became sick—and some died—from contaminated drinking water, GLERL began an intensive search to understand near-shore water conditions which will help prevent future health catastrophe caused by drinking water contamination.

The United States is tremendously lucky to have the Great Lakes, which account for 20 percent of the world's fresh water surface. A vital link in the competitiveness of the Great Lakes region are the Great Lakes themselves—a system of five lakes which connects our breadbasket and heavy industries to other destinations across the globe.

The Great Lakes are key to our past, and they are key to our future. The Great Lakes Environmental Research Lab is a multifaceted lab that provides a great and vital service. I urge my colleagues to support this measure.

□ 1700

Mr. MOLLOHAN. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Massachusetts [Mr. STUDDS], who knows an awful lot about this issue.

Mr. STUDDS. Mr. Chairman, I will not take the time. I also want to thank the gentleman from Kentucky [Mr. ROGERS], and I can tell from his expression a moment ago the best way to do that would be to sit down. I want to thank him and the gentleman from West Virginia. These are modest programs, but they are immensely important to the coastal regions of this country, and I think sometimes that those who talk fairly glibly about eliminating this department ignore the fact that this part of it is crucially important. In fact, it is over half of the budget, NOAA is, and for the living marine resources of the country, for the stressed coastal areas and the stressed commercial fisheries, this compromise is very, very welcome. So I thank both gentlemen for being willing to work it out.

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise in strong support of the compromise amendment, which increases funding for Coastal Zone Management programs.

Coastal Zone Management is critical and vital to both the environment and the economy of shoreline States such as my home State of Connecticut. Thanks to this program we have restored over 1,500 acres of the State's critical tidal wetlands, and 10 miles of new public access has been added along the shores of the Long Island Sound. From 1991 to 1993 the number of beach closings along Long Island Sound in Connecticut was reduced from 292 to 174. Still, much remains to be done. More than 25 percent of Long Island Sound's beaches are chronically closed due to pathogen contamination.

Coastal Zone Management State grants are not a Federal give away. Federal funds are met with a dollar for dollar state match. These are exactly the kind of government partnerships that we should be encouraging. They are economically and environmentally sound.

Mr. Chairman, I urge my colleagues to join me in voting for the amendment and for protecting America's coastal resources.

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California [Ms. ESHOO].

(Ms. ESHOO asked and was given permission to revise and extend her remarks.)

Ms. ESHOO. Mr. Chairman, I rise in strong support of the compromise amendment to restore crucial funding to NOAA, and in particular, the Coastal Zone Management Program.

President Nixon signed the Coastal Zone Management Act into law in 1972 and since then it's been remarkably successful in achieving the dual goals of environmental protection and economic development.

This is a voluntary program that allows states which choose to participate to establish their own programs based upon their own needs. The fact that 34 out of 35 eligible States have chosen to participate in CZMA is a testament to the program's overall success. Indeed, this Federal partnership with the States has encouraged coastal-dependent industries, enhanced commercial, recreational, scientific, and educational uses of marine resources, and protected natural and scenic treasures.

Why is this program so important? Almost 50 percent of our country's population lives along our coasts and 80 percent live and work within 50 miles of our coasts. Of course, millions more visit our beautiful coasts each year. These growing numbers generate competing demands for coastal resources and create an increasing need for coastal management.

The Federal matching grants from the Coastal Zone Management Program are critical for allowing local coastal managers to continue doing the jobs they do so well.

Retreating from our Federal commitment to the coasts will not make coastal problems or coastal needs go away. It will just saddle cash-strapped state an local governments with more of the responsibility.

What does this mean? It means less protection for our beaches, environmentally sensitive habitats, and wetlands. All of these are critical to the fishing, tourism, and recreation industries which together contribute more than $50 billion to our economy and support hundreds of thousands of jobs.

It means less money for flood control and natural disaster protection. In short, it means a lower quality of life for the growing numbers of people who choose to live, work and visit our coastal areas.

Mr. Chairman, I happen to have one of the most beautiful sections of coastline in my district and I want it to remain that way so that my grandchildren can enjoy it as much as I do.

I urge my colleagues to join me in supporting the Mollohan amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California [Ms. WOOLSEY].

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Chairman, I rise also today in strong support of this compromise amendment.

Mr. Chairman, I am privileged to represent 140 miles of coast in Marin and Sonoma Counties, CA, the two counties north of San Francisco, across the Golden Gate Bridge. Each year visitors come to see one of our Nation's most picturesque scences, our coast. It is

hard for these visitors to imagine that there are troubled waters off our coast, Mr. Chairman, but there are. Extensive recreation and commercial use takes a serious toll on our coast. This toll threatens the health of our marine resources and our coastal economies.

If California's coast is to be utilized by future generations as it is today, it must have strong protection now. Funding for the coastal zone program will help provide that protection.

Mr. Chairman, I urge my colleagues to take our commitment to the national marine sanctuary and the coastal zone management programs seriously. Please join with me in fighting for the future well-being of our coastal waters; our coastal economies; and the Nation as a whole. Vote ''yes'' on this compromise amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. FARR], who has been extremely interested in these issues.

Mr. FARR. Mr. Chairman, I want to point out to Members of this body that this is a very, very important issue to the coastal States of the United States. This issue affects how we manage where the land mass of the United States meets the water mass of the United States. That is a very delicate zone in this country, and the fact is 80 percent of Americans live and work within 50 miles of a coastline. So all of the pressures of on-land meet the pressures of off-land, and that very fragile area needs special attention, and that is what this budget does. Frankly I wish we had restored more. We restored $20 million and a $37 million cut, so they are going to get less money, and in the NMFS budget, that was a 20 million of 37, and in the coastal zone management budget, restored $5 million of a $9.5 million cut. So there is still a substantial cut, and I just want to support the compromise, but I want to point out that this is such an important area, important issues to all Americans, that we need to pay attention to these fundings and hope in a subsequent amendment that my colleagues will also support an increase in the sanctuaries.

Mr. MOLLOHAN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Michigan [Ms. RIVERS].

(Ms. RIVERS asked and was given permission to revise and extend her remarks.)

Ms. RIVERS. Mr. Chairman, The Great Lakes are home to 25 million people and some of the most productive cities and agricultural areas of our Nation.

The Great Lakes contain 20 percent of the world's—20 percent—fresh surface water, and they contain 95 percent of the fresh surface water in the United States. The Great Lakes supply drinking water, fish, and other food to millions of Americans.

A vital link in the competitiveness of the Great Lakes region are the Great Lakes themselves, a system of five lakes which connects our breadbasket and heavy industries to other destinations across the globe.

For decades we have relied upon the good assistance of NOAA's Great Lakes Environmental Research Lab to provide sound science to our mariners, State and local governments, and citizens on a variety of Great Lakes issues.

GLERL costs U.S. taxpayers a little less than $5 million. The benefits it provides to taxpayers far surpasses its costs by providing crucial data and information to decisionmakers at all levels, while providing the science necessary to protect the world's largest body of fresh surface water—one of our Nation's most previous and vital natural resources.

GLERL IS A FACT-FINDING AND FACT-INTERPRETING AGENCY

GLERL helps the Federal Government meet its scientific, ecosystem, and management responsibilities under the Great Lakes Water Quality Agreement with Canada. This responsibility spans eight states, two provinces, and contain a 1000-mile international border. Losing GLERL would put these responsibilities in severe jeopardy.

GLERL is one of only two nonregulatory Federal lake/coastal-waters-related research labs in the Great Lakes basin. The Great Lakes Science Center is the other, which is scheduled to close due to the Interior appropriations bill.

GLERL and Ohio State University created a system being used by the Great Lakes coastal forecasting system on Lake Erie that provides forecasts of currents, waves, water levels. These forecasts are of critical importance to lake shore residents, the fishing and shipping industries, and recreational users. This cutting edge system will soon be turned over to the National Weather Service to be used in their forecasting data.

GLERL has recently completed studies in Old Women Creek, Lake Erie, to help figure the role of wetlands in reducing the effects of nutrient inputs from nonpoint agricultural sources. This information will help farmers develop coherent, nonregulatory pollution control.

GLERL WORK HAS SAVED BILLIONS

GLERL's nutrient dynamics and modeling work contributed to saving over $10 billion dollars of ineffective additional sewage treatment. Note: At the present GLERL appropriations level of $5.6 million per year, these savings are equivalent to over 1,000 years of GLERL funding.

When zebra mussels clogged the water intakes in Monroe, MI, and cut off drinking water supplies, GLERL went to work to determine not only how to control zebra mussels, but how to keep them clear of vital water lines.

GLERL has worked extensively with private industry, providing models to help them with a host of problems. An example being a model created by GLERL of the Detroit River for Detroit Edison to aid with their hydro-power predictions.

GLERL's expertise and research related to contaminated sediments were key to the findings and recommendations of a scientific panel, led by GLERL scientists, that the Coast Guard relax their proposed regulations, thus saving the shipping industry tens of millions of dollars in lost time and additional costs. These regulations were modified as a result of the sound science provided by GLERL.

GLERL's CoastWatch Synthetic Aperture Radar Applications Program has developed better means of identifying ice type and ice concentration on the Great Lakes. GLERL's data is used by the National Weather Service and the U.S. Coast Guard in their ice forecasting, search and rescue, and ship assistance activities. This function of GLERL is critical to the billion dollar fishing and shipping industry in the Great Lakes basin.

GLERL is currently studying the rainfall-runoff relationship of the 121 watersheds within the Great Lakes basin. This work is essential to predicting lake levels, information which is essential to shipping and hydroelectric power.

GLERL HELPS SAVE LIVES

When the people of Milwaukee became sick—and some died—from contaminated drinking water, GLERL began an intensive search to understand near-shore water conditions which will help prevent future health catastrophe caused by drinking water contamination.

GLERL's Great Lakes atmospheric wave model gives local emergency preparedness agencies the ability to make advanced predictions of shoreline flooding caused by storm surges. GLERL's research will give property owners and industries time to protect their property and evacuate to higher ground.

GLERL's wind wave models have provided the National Weather Service with a more accurate forecasts and warnings of wave conditions on the Lakes, thus helping safeguard the lives of commercial and recreational boaters.

GLERL's Pathfinder model for oil/chemical spill trajectory is used by NOAA on the Great Lakes for spill response and by the Coast Guard to help guide search and rescue operations.

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

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. WELDON].

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Chairman, I want to rise to praise the good work of our chairman of the subcommittee and the ranking member for their cooperation in bringing about this bipartisan compromise. As a member of the Committee on Science and chairman of the Subcommittee on Military Research and Development for the Committee on National Security, I am very concerned about the cuts that are being made to the NOAA accounts and the cuts that are being made in ocean research and ocean programs. While I am not totally pleased with the amount of money this puts back in, I think this does make a statement that we want to keep our ocean research programs in place, that we want to place additional funds into the coastal zone management program, that we want to support the marine fisheries programs, all of which are extremely important.

This is a necessary compromise. I wish we could go further, but in this tough budget environment it is the best we could get. I want to thank both sides for working this agreement out, and hopefully we can continue to work in a bipartisan manner for the good of our world oceans and world cooperation in these issues in the future.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Chairman, I really appreciate the compromise that has been worked out on both sides of the aisle. A couple of quick comments to show the Members the importance of these little-known issues:

The National Marine Fisheries Service is the entity that collects the biological data on coastal fisheries worth billions and billions of dollars to this country. Even if we stopped fishing in all the oceans, we could still lose 70 percent of the commercially caught fish if we did not have any sense of where these fish spawn and where these fish spend a good deal of their life. The National marine Fisheries Service collects that biological data, and I appreciate the increase in the amount of money. The Great Lakes is an enormous attribute to the United States, so we need to have some sense of the fisheries in that area. The coastal ocean program forged grants, which is very valuable to coastal States, the Coastal Zone Management Act, a voluntary organization which provides valuable data on the biological health of our coastal economies.

I would ask the Members though, as we pursue this effort, the National Marine Sanctuary program should use a little bit of attention as we move along on this issue.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Mrs. SEASTRAND].

Mrs. SEASTRAND. Mr. Chairman, I rise in strong support of this amendment. It maintains the funding which I believe is very crucial and important to the coastlines of these United States. By maintaining funding for the Coastal Zone Management Act we are maintaining stable and crucial resources for some of our country's most pristine, valuable, and ecologically sensitive real estate.

Over the years, the Coastal Zone Management Act or CZMA has proven to be a cost-effective tool, which relies on State authorities to accomplish its objective of effectively balancing national, State, and local interests in the utilization of our Nation's finite coastal resources. This is a clear example of a program that empowers State and local decisionmakers. However, because States rely on Federal funding generally for between 50 and 100 percent of State program costs, significant reductions in Federal funding would severely reduce State capabilities to manage their coastal areas. In most States, the impacts would be felt most acutely at the local government level, where many of the Federal dollars end up.

Mr. Chairman, I just hope that in future discussions we can address the issue of the national marine sanctuaries.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, I would like to make sure my colleagues understand this is not a coastal vote. Those of us that really want to see environmental strategies work and want to see cooperative efforts between the local governments and the Federal Government need to support this motion. Those of us that want to see the old command-and-control environmental regulations done away with and new progressive, aggressive environmental preservation move forward need to stand up and support this motion because it is really showing the kind of things that we can do right in protecting our environment, and I pointed out where we have done wrong, and I will continue to fight what we have done wrong, but I think we have an obligation when we point out where environmental regulations are wrong to also stand up for it when they are right, and this program and this strategy is one that we should support.

So I ask those of my colleagues that want to protect private property rights, want to protect local control, now is the time to join with us that really want to protect the environment, to protect those rights and protect the environmental by supporting this cooperative effort between the Federal Government and the citizens at large.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Kentucky [Mr. ROGERS] as a substitute for the amendment offered by the gentleman from West Virginia [Mr. MOLLOHAN].

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 West Virginia [Mr. MOLLOHAN], as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN. Are there further amendments to title II?

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: Page 47, strike lines 1 through 6, relating to the Under Secretary for Technology and the Office of Technology Policy.

□ 1715

Mr. ALLARD. Mr. Chairman, I ask unanimous consent that we limit debate on this amendment to 10 minutes, 5 minutes on each side.

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

There was no objection.

The CHAIRMAN. The gentleman from Colorado [Mr. ALLARD] will be recognized for 5 minutes in support of the amendment, and the gentleman from West Virginia, [Mr. MOLLOHAN] will be recognized for 5 minutes in opposition.

The Chair recognizes the gentleman from Colorado [Mr. ALLARD].

Mr. ALLARD. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, I would like to take this opportunity to commend my colleague, the gentleman from Kentucky [Mr. ROGERS], for putting together a strong bill. I applaud the efforts he made to reduce the funding for programs which must be downsized in this tight budgetary climate. Nonetheless, we must not pass up an opportunity to eliminate a needless layer of bureaucracy and save $5 million.

As a member of the Committee on the Budget, I am personally committed to eliminating redundant and unnecessary bureaucracies. In this vein, I offer this amendment, which would zero out the funds for Undersecretary of Technology. Besides being redundant, this office helps to put the government in an area in which it should not be, the office assisting government ''in picking winners and losers,'' as stated by the OMB's fiscal year 1996 budget report, by benchmarking the competitiveness of industrial sectors.

These programs do little to enhance our overall economic welfare. Although they may indeed help certain sectors or individual companies within those sectors, it harms the welfare of the Nation as a whole by wasting our limited tax dollars and by diverting resources toward those sectors in which we are relatively inefficient. This is the perfect definition of corporate welfare.

However, even if we support these industrial policy programs, this amendment would not destroy the actual policies. It only cuts an office which the budget resolution claims is duplicative and unnecessary in its administrative and other responsibilities.

A vote in favor of my amendment sends a strong signal that the House is in support of ending this unneeded office rather than continuing to fund it at a decreased level. We must completely eliminate unnecessary bureaucracies, rather than phasing them out over time. As in the private sector, a gradual approach only allows the affected agencies to grow back.

Citizens for a Sound Economy and the National Taxpayers Union have strongly endorsed this amendment stating,

In this time of making government smaller and more efficient, the Office of Technology Policy is one bureaucracy that serves virtually no purpose for American taxpayers. Its elimination will show that Congress is serious about downsizing government and allowing Americans to keep more of their own money.

Mr. MOLLOHAN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in strong opposition to the gentleman's amendment and think it is a very unwise one, I certainly do not share his sentiments.

This world is changing. We are increasingly becoming a smaller international community. It is becoming very apparent to everyone that we are going to have to be increasingly competitive in the technology areas.

The Department of Commerce generally, Mr. Chairman, is the department that is strategically focusing on these issues, trying to promote international trade, and at the same time promote technology development in key areas, targeting areas that will be growth sectors into the future.

The Technology Administration is the place that looks at these issues. It is not a lot of money. It is a very small investment to have this kind of strategic thinking. I think this elimination amendment is extremely unwise. The Technology Administration works with American industry to maximize the technology's contribution to economic growth.

Mr. Chairman, I really hope that the body will not move on this issue in this appropriations bill. If there is some effort to reconstruct the Commerce Department, to look at Commerce generally, to look at its role into the future, the authorizing process is the proper place to do that, not here today. We have not had any hearings to suggest elimination of the Technology Administration during our appropriations hearings. We simply do not have a factual foundation to intelligently make this kind of a decision.

The facts we do have are that increasingly this is a competitive international community. Our opposition, our competitors around the world, Europe, Japan, the emerging nations, are all focusing strategically on technology development.

Mr. Chairman, I urge a ''no'' vote on the gentleman's amendment for all of those, I think, very good reasons.

Mr. ALLARD. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, I rise today in support of the Allard amendment to eliminate the Technology Administration.

The Technology Administration is a redundant bureaucracy that is tasked with overseeing other departments. The elimination of this office will not harm other programs under the Department of Commerce jurisdiction, and some contend it may even cause other functions to perform better.

In our efforts to downsize government, it is important for us to eliminate all layers of unnecessary bureaucracy. In my opinion the Technology Administration fits that category and I urge my colleagues to support the amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Tennessee [Mr. TANNER].

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

Mr. TANNER. Mr. Chairman, I rise in strong opposition. This may be one of the more shortsighted amendments that we will address in this Congress this year. In a time of global competition, the Office of Technology Administration is the one place in the Federal Government where the government is an ally, not an enemy, of our businesses here in this country. The Technology Administration acts as a focal point for all industry concerns, both foreign and domestic, such as the activities of foreign firms and their parent governments, the unintended consequences of legislation and regulations, and, as I said, a rapidly changing global economy.

The Office of Technology Assistance is an advocate for industry in this country, at a time when our American businesses need help from the Government, not a silent voice here as they struggle to meet this worldwide competition.

This would be a disaster for this country. The Office of Technology Administration manages and oversees the very things that make our businesses competitive. In a time where the marketplace in this country is squeezing the ability of our firms here in America to research and develop products over a long period of time without a short, virtually lifespan payback, this is the very thing that other countries are doing to gain a competitive edge.

So I would urge all Members to reject this shortsighted amendment.

Mr. Chairman, the Commerce Department's Technology Administration serves several important roles in the Federal Government that assist the private sector in maintaining a competitive edge. We should not only provide social assistance but we should also assist the private sector which is the backbone of our economic vitality.

More than ever before, U.S. economic growth and prosperity depend on technological innovation. Here are just a few of the responsibilities of the Technology Administration.

First, the Technology Administration is the only Federal agency charged with maximizing technology's contribution to the U.S. economy.

Too often in the past, technology development, particularly by the Government, has ignored business issues that affect the ability of the private sector to bring new technologies to the marketplace.

The Technology Administration works not only to see that America leads the world in creating new technologies, but that Federal economic, tax, trade, and regulatory policies help our business community, not hinder it.

Second, the Technology Administration monitors the policies of our foreign competitors to ensure that U.S. firms are not handicappeed in the global marketplace.

The Technology Administration works to ensure that American firms have access to foreign government sponsored technology development programs, while protecting U.S. intellectual property rights.

Third, the Technology Administration acts as a focal point for industry concerns, such as the activities of foreign firms and their parent governments, the unintended consequences of legislation and regulations, and a rapidly changing global economy. The Technology Administration is an advocate for industry in addressing issues which affect U.S. competitiveness.

Finally, the Technology Administration manages three organizations vital to U.S. competitiveness: The National Institute of Standards and Technology, the National Technical Information Service, and the Office of Technology Policy.

Eliminating the Technology Administration will have a negligible impact on the Federal deficit, but it will deprive U.S. industry of an advocate within government at a time of intensifying global competition.

Mr. ALLARD. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Colorado is recognized for 2 minutes.

Mr. ALLARD. Mr. Chairman, we are talking about change in the Congress, and we hear all sorts of reasons why there should not be change, that it is shortsighted if we work for change to take an agency like this that is working and doing so much for business. But in reality, the future shortsightedness is we need to balance the budgets and we need to look at where duplication is occurring, and this Technology Administration is a classic example of where we need to look.

How many people do we need speaking on behalf of business? We have under the Office of the Undersecretary of Technology, the Office of Technology Policy. Currently, we have under the National Institute of Standards and Technology. We have the National Technical Information Service. I would have to compliment the appropriation members for recognizing that we not longer need the National Technical Information Service. So that is being eliminated. They reduced by 50 percent the National Institute of Standards and Technology, and basically what we have is the Office of Technology Policy.

Now, we have oversight of just this one and a half divisions under the Office of Undersecretary, a full Secretary. It seems to me that what we need to do is eliminate an administrative layer and let the head of the Office of Technical Policy report directly to the Secretary or the Deputy Secretary. I think it makes lots of sense. It is a tremendous opportunity for this Congress to make an effort to cut spending, to reduce duplication in programs.

So I am urging a ''yes'' vote on the Allard amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. BROWN], the very distinguished ranking minority member on the Committee on Science.

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

Mr. BROWN of California. Mr. Chairman, of course I rise in opposition to the Allard amendment. I want to compliment the chairman and the ranking member of the subcommittee for the fine job they have done.

Mr. Chairman, what we are doing here in this action and a number of

others is to try and define the terms of what is admittedly a revolution that is taking place in our concepts of government and the way it should operate. This is not a new phenomenon. I have been here long enough to have been through several revolutions in the way government sought to operate and the Congress sought to operate.

What we are looking at here in the Technology Administration was really a part of the so-called Reagan revolution. This was created by a bill which President Reagan signed just before the end of this term, and it sought to change a situation that we all knew was bad, namely, the adversarial relationship that existed between the government and industry and business in this country.

President Reagan wanted to establish a new, friendlier relationship in which industry and the government could in many areas become partners and work together in the best interests of this country. The Technology Administration was one of the primary features of the Reagan revolution effort to change the relationship between business and industry in this country.

Now, I do not know what the current generation of Republicans wants to do in terms of the revolution. I had thought that they wanted to extend and build upon some of the earlier aspects of the Republican revolution, but apparently they want to throw out everything, the baby with the bath water.

I hope we can do better than that. I hope we can look at these previous programs, determine whether they are working, and, if they are, continue to support them or to change them wherever necessary.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Colorado [Mr. ALLARD].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ALLARD. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of earlier today, further proceedings on this amendment will be postponed.

The CHAIRMAN. Are there further amendments to title II?

AMENDMENT OFFERED BY MR. KLUG

Mr. KLUG. Mr. Chairman, I offer an amendment, No. 17, printed in the RECORD.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KLUG: Page 43, line 25, strike ''386 commissioned officers'' and insert ''358 commissioned officers''.

Mr. KLUG. Mr. Chairman, very briefly, this is an amendment supported both by myself and the gentleman from Florida [Mr. FOLEY]. What this amendment attempts to do is to capitalize on the agreement reached just a short time ago by our distinguished chairman and the ranking member from West Virginia. As you know, we just reduced funding for the NOAA fleet by roughly $12 million.

□ 1730

At the same time, what this amendment will do is to correspondingly reduce the number of NOAA officer corps members by 25 slots. NOAA, believe it or not, has its own navy and numerous admirals which receive full military pay and retirement benefits while, frankly, never facing any kind of enemy.

Corps officers spend roughly two-thirds of their time behind desks because there are so many of them in relation to the size of the fleet. Since today we are beginning to reduce the NOAA fleet, it obviously makes sense to reduce the officer corps level.

The NOAA authorization bill passed last month by the Committee on Science specifically terminates the NOAA Corps over 3 years, so this begins to reduce the size of the corps correspondingly. And I would point out that our amendment, mine and the gentleman from Florida [Mr. FOLEY] is supported by both the Committee on Science and the Committee on Resources.

In 1995, the commerce inspector general questioned the need for the NOAA Corps. The budget resolution calls for the elimination of the NOAA Corps. NOAA, quite frankly, does not need its own high-priced militia. In fact, the concept of a uniformed NOAA Corps predates NOAA and is an anachronistic throw-back to World War I, World War I, when mapping the U.S. coastline was considered a military, not a civilian endeavor.

I think the amendment we have in front of us is budget neutral today, but in the long run will save a minimum of $700,000 a year, as we begin to reduce the size of the officer corps several million dollars a year.

Mr. Chairman, I yield to the gentleman from Florida [Mr. FOLEY].

Mr. FOLEY. Mr. Chairman, I am delighted to join the gentleman from Wisconsin on this very important issue. Every time the gentleman from Wisconsin [Mr. KLUG] finds an item that we can privatize, I am ready to join with him in that effort because we came to Congress to make a difference and reduce the size of the Federal Government. This clearly is an amendment that will allow for that slow elimination of the NOAA Corps, which are costing the taxpayers significant dollars.

So I associate myself with the words of the gentleman from Wisconsin, urge my colleagues to vote favorably on this amendment to continue our mission to downsize the Federal Government.

Mr. ROGERS. Mr. Chairman will the gentleman yield?

Mr. KLUG. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, we accept this amendment and think it is a good one and hope that it is approved.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. KLUG. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, we have to objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by gentleman from Wisconsin [Mr. KLUG].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title II?

AMENDMENT OFFERED BY MR. FARR

Mr. FARR. Mr. Chairman. I offer an amendment.

The Clerk read as follows;

Amendment offered by Mr. FARR: On page 44 of the bill, line 22, strike ''$55,500,000'' and insert instead ''$57,500,000''.

Mr. FARR. Mr. Chairman, this amendment increases the transfer from the fund to promote the development of fishery products to NOAA's operation, research, and facilities account. This increase of $2 million would provide additional funding for the National Marine Sanctuaries Program.

In 1995, $9.2 million was available from the fund for the fisheries development grants but only $7.2 million in the grants were awarded. This amendment maintains the level of funding for fishery grants from this fund while partially restoring reductions to the marine sanctuaries program.

Mr. Chairman, this amendment restores about 15 percent of the 25 percent of the marine sanctuaries program that was cut. I think that it goes a long way to try to help a program that is not a very big one. It is a $12 million program in total.

The program is very important because there are dozens of marine sanctuaries around the United States, not only in California but in Florida, Georgia, Hawaii, Louisiana, Maine, North Carolina, Texas, and Washington. So Members from those States are very interested in making sure that those programs are run effectively.

Mr. Chairman. I yield such time as she may consume to the gentlewoman from California [Mrs. SEASTRAND] who also shares the largest marine sanctuary, the Monterey Bay Sanctuary.

Mrs. SEASTRAND. Mr. Chairman, I rise to support this amendment and additional funding for the National Marine Sanctuary Program. It is going to be of great assistance in law enforcement programs as well as giving opportunities to provide sanctuary educational materials to boaters and also to provide rescue service to stranded boaters in the sanctuary.

This is of crucial importance to the Channel Islands National Marine Sanctuary in my district. The sanctuary produces a majority of the seafood harvested in California. It is a highly sensitive ecosystem and in my own possibly biased opinion is one of most beautiful coastal waters in these United States.

To eliminate significant funding, whether it is for the Channel Islands National Marine Sanctuary or the beautiful Monterey Bay sanctuary, I think

would be a mistake. We have tobe prepared for oil spills and other emergencies. I think for this reason and aforementioned points, I would ask my colleagues to support this amendment.

Mr. FARR. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. ESHOO].

(Ms. ESHOO asked and was given permission to revise and extend her remarks.)

Ms. ESHOO. Mr. Chairman, I rise in support of the Farr amendment, which reinstates funding for the coastal zone management program and marine sanctuary program.

I would just like to say something about the word sanctuary. Whenever anyone hears that word, we think of something being precious, something being holy, as it were. There have been great battles in California to designate our precious areas of our coast as marine sanctuaries. These are gifts of our Nation that we share with all of our citizens and the citizens of the world, because they come to see it.

So I think that funding should match the nobility of what we have. I rise to support what the gentleman from California is doing. He has been on the forefront of this issue for many, many years. I think that the Congress of the United States would distinguish itself in appropriating some money so that we can continue saying that this is indeed sanctuary, it is holy, it is something special, and we should treat it that way.

Mr. Chairman, I rise in strong support of the Farr amendment, which reinstates funding for the Coastal Zone Management Program and the Marine Sanctuary Program.

Our Nation is largely a coastal one, with 80 percent of Americans living within 50 miles of the coast. The increasing demands on our coastal resources that result from the growing number of people and industries residing in coastal areas require sound policy and an adequate level of protection.

The Coastal Zone Management Program is a proven State Federal partnership that protects our national treasures and promotes economic development. It is a voluntary program that 34 of 35 eligible States have chosen to participate in. They have elected to participate in this program because it allows them to establish their own programs based upon their own needs.

The $9 million that the Farr amendment seeks to reinstate is critical for allowing local coastal managers to continue doing their jobs. I remind my colleagues that the increasing demands on our coasts will not go away if we choose to retreat from our Federal commitment. Indeed, failing to adequately fund this program will only result in a declining economy and a declining quality of life for the majority of Americans that choose to live and visit our beautiful coasts.

The sanctuaries program protects and conserves our Nation's most precious marine resources. Limited funding in the past has barely kept pace with this rapidly growing program. But the 50 percent cut proposed by the Republicans would require closing some sites and drastically reducing funding for others.

Mr. Chairman, these programs are vital to our coastal and marine resources. I urge my colleagues to support the Farr amendment.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. FARR. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, we accept this amendment. We want to thank the gentleman for bringing it to our attention and hope the body will adopt it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. FARR].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. 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. HEFLEY: Strike page 36, line, 21, through page 38, line 4.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 50 minutes and that the time be equally divided between the gentleman from Colorado [Mr. HEFLEY] and the gentleman from Kentucky [Mr. ROGERS], who is opposed to the amendment.

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

Mr. MOLLOHAN. Reserving the right to object, Mr. Chairman, would the Chair explain that arrangement to me again?

The CHAIRMAN. The gentleman from Kentucky [Mr. ROGERS] has asked unanimous consent that all debate time on this amendment and all amendments thereto conclude within 50 minutes and that the time be equally divided between the proponent of the amendment, the gentleman from Colorado [Mr. HEFLEY] and an opponent, in this case the gentleman from Kentucky [Mr. ROGERS].

Mr. MOLLOHAN. Continuing my reservation of objection, Mr. Chairman, I yield to the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, I will yield half of my time to the gentleman from West Virginia [Mr. MOLLOHAN] in opposition to the amendment.

The CHAIRMAN. The gentleman from West Virginia [Mr. MOLLOHAN] will be recognized for 12½ minutes in opposition, and the gentleman from Kentucky [Mr. ROGERS] will be recognized for 12½ minutes in opposition, and the gentleman from Colorado [Mr. HEFLEY] will be recognized for 25 minutes in favor of the amendment.

Is there objection to the request of the gentleman from Kentucky?

Mr. MOLLOHAN. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

The CHAIRMAN. The gentleman from Colorado [Mr. HEFLEY] will be recognized for 25 minutes, the gentleman from Kentucky [Mr. ROGERS], will be recognized for 12½ minutes, and the gentleman from West Virginia [Mr. MOLLOHAN] will be recognized for 12½ minutes.

The Chair recognizes the gentleman from Colorado [Mr. HEFLEY].

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

Mr. Chairman, I was going to come here today and tell my colleagues what I think about the Economic Development Administration, but I have decided I am not going to do that. After all, I am not the one who audits the EDA's books.

In order to assess the effectiveness of the EDA, I should be telling Members what the Department of Commerce inspector general says about the EDA. Let us start with the March 1995 report. The inspector general said that the CPA firm was unable to express an opinion on the revolving funds statement of financial position because of multiple, material weaknesses in EDA's internal control structure. The IG went on to note that the nature and extent of the internal control deficiencies reported by the CPA firm indicate serious problems in financial mismanagement at EDA.

Several of these issues were previously raised by the inspector general in the past. However, little progress has been made since the survey report was issued 2½ years ago.

Here is a list of the audit headlines in the March 1995 report. In order to be fair, I will read the positive results first. South Carolina city earned full Federal funding of public works project. City in Texas properly managed public works grant. Those are the two positive reports.

Let us get to the negative ones. Michigan county committed serious grant violations, $1,285,000. A New Jersey public works project not financially feasible, $34,000. Revolving loan fund created to relieve impact of Hurricane Andrew, not needed, $1,900,000. Grant to Michigan organization should be terminated, $243,000. Louisiana grantees mismanage revolving loan fund, $388,000. Indiana recipient violated Federal regulations and grant requirements, $475,000. Cost question on South Carolina public works project, $120,000. Iowa recipient mismanaged grant funds, $1,500,000.

And in September 1994, the IG report said more of the same. Georgia revolving loan fund operator directed to return $3 million in overcharges and excess cash, $3 million. Ohio revolving loan fund grantee violated EDA approved plan, $90,000. Grantee mismanaged Tennessee revolving loan fund, $34,000. City of South Carolina inadequately accounted for revolving loan fund, $238,000. And get this, this money is still missing. Arizona public works project, jeopardized by grantee mismanagement, $504,000.

Unneeded public works project in New Mexico should be terminated,

$400,000. Texas grantee improperly solicited matching share from borrower, $50,000. Audit of proposed grant reveal need for clearer definition of demonstration projects, $4,300,000.

My state is not immune either. In fact one EDA grantee in Colorado faced felony embezzlement charges before settling out of court for the money that she owed.

Mr. Chairman, that is over $14 million of problems discovered by the inspector general. There are hundreds of more grants out there just like these, but they will probably never be discovered or investigated by the Department of Commerce inspector general.

□ 1745

I have not read a report this bad since Price Waterhouse left here a few weeks ago. It is time to put an end to this outrageous abuse of taxpayer dollars, support the Hefley-Solomon-Goss amendment, and let us put an end to the EDA.

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

Mr. ROGERS. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I urge opposition to this amendment. I hope the House will once again defeat the Hefley proposal to eliminate the Economic Development Administration. If we do not vote this amendment down we will deprive hard-hit communities, all over the country, of the vital assistance provided by the EDA which was created to help our Nation's poorest areas raise their standards of living, or to help communities recover from sudden economic disasters.

I say to the Members, it has worked in my congressional district and virtually every other. EDA provides basic infrastructure in poor counties so they can attract the private investments that lead to long-term jobs. EDA is the cornerstone of our efforts to help local communities rebound from the loss of a military base or defense downsizing. In fact, EDA has helped 151 communities hard hit by base closures over the last 3 years alone. These areas are converting bases to provided long-term jobs to the people that depended on them for decades. Today new communities, facing another round of base closures, need EDA to help their families bounce back, but like other good programs, EDA must be streamlined and reformed and targeted, and this bill does that.

First, we cut EDA dramatically, a 21-percent reduction in grants, a full one-third reduction in staff, almost $100 million in cuts. Second, we have worked closely with the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Maryland [Mr. GILCHREST] of the Committee on Transportation, who are pushing the most significant overhaul of EDA programs in 15 years.

Our reforms provide fewer funds and put them in areas that need help the most. They provide greater local and State control over project decisions. No longer will Washington pick and choose the projects. Our Governors, our local officials, our communities will decide. If our local factory pulls out, EDA monies will help our town create new opportunities for its workers.

Mr. Chairman, if NAFTA or the GATT treaty pushes our industry to Mexico or overseas, EDA will be there if Members vote down this amendment. If Members have any of the 50,000 defense jobs potentially being eliminated in this year's base closure process, their communities will need this program more than ever.

Let me repeat. In this bill, we cut EDA by 21 percent. We say ''No more bloated Washington bureaucracy,'' and we targeted these very limited dollars to communities and families that simply cannot afford to cope with disasters and job loss. They need our help. Give them our vote. Vote down this amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I rise in very strong opposition to the Hefley amendment. No other agency, no other program, Mr. Chairman, in the Federal Government has the flexibility of EDA to respond to unique community needs. EDA programs target funds in areas of need and assistance across the board. For communities who are experiencing structural economic changes, and many across the Nation are, EDA provides flexible assistance to help them design and implement their own local recovery strategies. For communities who are experiencing long-term economic distress, EDA provides funding necessary to repair decaying infrastructure, and it is doing so in virtually every congressional district across the Nation.

Mr. Chairman, defense conversion has been on the lips and minds of every Member of this Congress, and we have had strategies to try to address the massive job losses associated with defense downsizing. It is EDA that has the flexibility to step up and address those concerns. Mr. Chairman, over the last 30 years EDA has invested $15.6 billion in our Nation's distressed communities. I really urge my colleagues to think strongly about this amendment. Oppose the Hefley amendment.

Mr. HEFLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Chairman, I would like to associate myself with the remarks of Representatives HEFLEY and SOLOMON. Mr. Chairman, the new Congress was elected with a clear mandate to eliminate any and all wasteful spending and reduce the size and scope of the Federal Government. I applaud the work of Chairmen LIVINGSTON and ROGERS in crafting a Commerce, Justice, State bill that reflects that goal and makes difficult choices in a responsible manner.

Nevertheless, I worry that certain programs that have outlived their usefulness may escape intact, slightly slenderized but still weighing down the American taxpayer needlessly. It seems to me that we must examine all Federal programs not only as to cost, but also ask ourselves if there is an appropriate Federal role. EDA fails this test on several levels.

EDA purports to assist distressed areas yet its broad eligibility criteria allows areas containing 80 percent of the U.S. population to compete for benefits. EDA's programs are duplicative—four separate departments along with the ARC, TVA, and SBA fund similar development programs. EDA programs are not cost efficient—one analysis on an EDA Emergency Jobs Program suggested each job created ultimately cost the American taxpayer $307,000, seven times the cost of the private sector.

Again, I commend the committee for the 25 percent cut in EDA funding—it is a step in the right direction. But it is not enough to merely cut back on programs that are no longer appropriate. We must take the next step to rip out the roots altogether. As we are ready to eliminate the Commerce Department in the authorization process, I would suggest it is time to fold the tent at the EDA.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the Committee on Transportation and Infrastructure, the authorizing committee for EDA.

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

I rise in strong opposition to this amendment, but I must say that the gentleman from Colorado [Mr. HEFLEY] and the gentleman from Florida [Mr. GOSS] are quite accurate in many things they say about criticizing some of the boondoggles we have seen in EDA and the Federal bureaucracy.

That is the reason, that is the reason why yesterday in our Subcommittee on Public Buildings and Economic Development of the Committee on Transportation and Infrastructure, we abolished EDA and we put in its place a Federal, State, and local partnership of regional commissions.

The gentleman from Florida is absolutely correct when he says 80 percent of the country is eligible. That is wrong. Yesterday we changed that. We cut it right in half. We not only cut it in half, we also upped the criteria to be eligible in another respect and said for a county to be eligible, they have to be above the unemployment rate by at least 1 percent. Yes, also, this is a partnership program where we also said the Federal share will only be 50 percent. If it is a good program, the States and the localities have to come with the other 50 percent.

Stop and think about it. We have fundamentally changed this program by abolishing the Economic Development Administration itself, putting in its place regional commissions, cutting, as my friend, the gentleman from

Kentucky, has said, cutting $100 million a year out of the program, reforming the program to the extent that only the truly needy counties are eligible. My good friend, the gentleman from Florida, also talks about an example of the job creation costs on a particular project being several thousands of dollars.

I do not doubt that, but if we look at the overall cost of the program, the cost to create a job, that figure is $2,500. Compared to many other programs, this is a very efficient program. I would say, particularly to my freshman colleagues, the model that we have adopted in abolishing EDA and putting in its place these regional commissions is the model proposed by the gentleman from Mississippi, ROGER WICKER, the president and leader of the freshman class. He is the one that came to the committee, he is the one that proposed this regional commission approach.

I say vote down this amendment.

Mr. MOLLOHAN. Mr. Chairman, I am very pleased to yield 2 minutes to my good friend and colleague, the gentleman from West Virginia [Mr. WISE], the ranking member of the authorizing committee.

Mr. WISE. Mr. Chairman, I thank the gentleman from West Virginia [Mr. MOLLOHAN] and the gentleman from Kentucky [Mr. ROGERS] who have done such an able job.

Mr. Chairman, I rise in strong opposition to this amendment. This bill provides $348 million for EDA programs. This appropriation is well within the Economic Development Administration authorization which our Subcommittee on Public Building and Grounds and Economic Development unanimously, unanimously, passed yesterday, incidentally, at the same time cutting $100 million a year out of EDA in the authorization for a savings of $½ billion over the 5-year period.

EDA is essential to these efforts. In the past 30 years it has created almost 40,000 economic development projects, generated more than almost $2 billion of private sector capital through revolving loan funds that have supported more than 7,000 businesses, leveraged $3 for every Federal dollar invested.

To the critics of EDA who want to vote for this amendment because they do not believe the programs have worked as well as they do, I say, ''Before you vote, listen to the chairman, the gentleman from Pennsylvania [Mr. SHUSTER], look at the authorization bill that passed yesterday.'' This is a visionary, responsive, and constructive new version of EDA.

The bipartisan bill creates a national, Federal, State, and local partnership that focuses on the local governments, and particularly on the Governors being directly involved in economic development. It involves regional commissions. It tightens EDA's program eligibility criteria and lowers it significantly from what it was. It requires all applicants to develop an investment strategy.

A recent EDA project in our State generated over 300 jobs. I calculated for what the Federal taxpayers put in, it would be repaid in new taxes coming from those workers alone in less than 4 years. That is an incredible return on the money, and over 300 more people are working that would not have been working elsewhere. I urge Members to vote against this amendment.

Mr. HEFLEY. Mr. Chairman, I yield 1 minute to the gentleman from Colorado [Mr. ALLARD].

Mr. ALLARD. Mr. Chairman, I thank the gentleman from Colorado for yielding time to me.

Mr. Chairman, I would just like to say that I want to put my faith in the marketplace. I have respect for what the gentleman is trying to do. I support what the gentleman is trying to do with his amendment, because the real, the real test of business is when we allow the consumer to go out here and they vote on a daily basis with their dollar bill, paying for those services that they feel like they want and they need.

When we pass out Federal dollars or Government dollars and then businesses go ahead and compete, it becomes a system of grantsmanship: who can write up the best grant, who can plead the hardest for what they need. The best and most humane system we have, and this is what we need to encourage, is a system that says ''Individuals can go out there and they make their selection on the services they want to receive.'' The best thing we can do for hardship cases is to reduce the tax burden, to reduce the regulatory burden, and do away with this process where we have some bureaucrat out here saying, ''Okay, you are going to be a winner and you are going to be a loser, and you get this benefit and you do not get that benefit.'' I think we are much better off to support the Hefley amendment and encourage the free market system.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. GILCHREST] who is the chairman of the subcommittee in charge of EDA, the authorizing subcommittee.

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

Mr. Chairman, I would like us to all ponder a question: What is the role of the Federal Government in economic development. What is our role? We hear a lot about the private sector. I think everybody here believes in the private sector. I believe that the role of the Federal Government is to create an environment conducive for economic productivity in the private sector. Once in a while, the Federal Government needs to play that particular role.

The new Republican majority has raised a lot of questions as to what the role is that Government should play in the private sector, and I think we can all agree that in certain circumstances, the Federal Government needs to provide the infrastructure, whether it is highways, water projects, certain basic needs that the community cannot provide for itself.

I want to make one other point here. This is not a giveaway program. This whole program has been reformed, and to a large extent this program provides grants so communities can make them into loans, and these distressed communities can create much more diversity in their economy.

The EDA reform bill, which our subcommittee recently reported, will make significant changes in the way the agency is structured. The Washington bureaucracy of EDA, and listen to this, the Washington bureaucracy of EDA, is entirely eliminated. It will be replaced by eight regional commissions that will be controlled by the States. I might add that under the reforms we have passed, EDA will no longer be dependent on the Department of Commerce. If the Department of Commerce, if it is the will of the House and the Senate to get rid of it, EDA can continue.

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Finally, we will get back to focusing on the mission of EDA, which is creating infrastructure, but I want to make one last important point. The second main mission is one that is gaining in importance with each new round of base closings.

Many communities stand to be devastated by the loss of defense-related jobs. The bill before us directs significant resources into defense conversion. EDA is the largest program aimed at weaning communities off these defense-related agencies.

I urge my colleagues to vote against the Hefley amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the reason for EDA was to help with infrastructure, to help underdeveloped areas, and to help with jobs. That is the name of the game, Mr. Chairman.

In my area, I can point to a foreign trade zone, I can point to a shrimp boat harbor, I can point to all of the areas where we have developed with the help of EDA in cooperation with the local communities.

I do not know that we need any more than strong oversight by the appropriations subcommittee and by the committee of jurisdiction. I know that there are some practices that need to be changed. Maybe there are some people that need to be replaced. But I can say that my experience with EDA has been very positive and we have worked together.

I would like to mention Joe Bailey Swanner, who was the regional director for EDA when I first came to the Congress. He was a professional amongst the professionals. He did what needed to be done. The jobs are there, the infrastructure is there. I can say,

''Thank you, Joe Bailey Swanner. Thank you, EDA.''

All of the other things can be corrected by oversight, yes, maybe they need to change some practices and change some people. Otherwise, I think they do not deserve the fate that is pronounced for them here. EDA has served my area well and I am happy to support them.

Mr. HEFLEY. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Did you hear that?

You will.

Mr. Chairman, I rise in strong support of the Hefley amendment. I dropped this on the table here. This is $850 billion in spending cuts. It balances the budget.

Every single Member of this body that voted for a balanced budget ought to be voting for this amendment, because it is in here, along with $850 billion of other cuts. This amendment is consistent with our goal of balancing the budget.

Eliminating the Department of Commerce. Are any Members going to vote for that? I am. You said you would. Then come over here and vote for this amendment. This redefines the role of the Federal Government.

To truly understand what we are trying to do, I think it may be insightful for the House to review the history of this 30-year-old program. I say that, and I have probably benefited from this program in my district as much as any other district. But, ladies and gentlemen, we have got to balance the budget, or this country is going to go down the drain.

The EDA was formed under the Public Works and Economic Development Act of 1965 as an agency of the Department of Commerce to provide Federal assistance to State and local governments through grants that can be used for public works, technical assistance, defense conversion activities, job programs, and loan guarantees to firms for business development.

Originally created to support the economic growth in some of this country's neediest areas, the EDA through years of bureaucratic growth and political maneuvering has outgrown its purpose and outlived its usefulness, as hundreds of others bureaus and agencies have done.

In our budget, we eliminated them, we restructured the Federal Government.

Over the years, EDA has poured thousands of dollars into politically connected schemes that have invested in shopping centers and hotels in my district, okay? Talk about corporate welfare. Hotels in my district, boating marinas, amusement parks and numerous loans that went, bad, bad, bad, that all of you and your families and I paid for.

The most notorious EDA grant earned the EDA former Wisconsin Senator William Proxmire's Golden Fleece award for spending $200,000 to build a limestone replica of the Great Wall of China in, of all places, Bedford, IN. I do not know what it is doing there. I think I will go out and take a look at it. That boondoggle followed a $500,000 grant to build a 10-story model of the great pyramid of Egypt. Clearly Federal dollars could be better used than on that project.

Mr. Chairman, these are not just random EDA expenditures. According to the Congressional Budget Office, EDA programs have been criticized for substituting Federal credit for private credit.

This is the United States of America. Let us get the Federal Government out of the loan business, and for facilitating the relocation of businesses from one distressed area to another. In other words, you come from a distressed area and your community puts in an application. It scores high. So what it does, it creates a program to take a business out of one distressed area and put it in the other. Does that make any sense? Absolutely not.

The EDA has also been criticized for its broad eligibility criteria which allows areas containing 80 percent of the United States population to compete for benefits and for providing aid with little proven effect compared with other programs having similar goals.

Despite these faults, some in this body may argue that eliminating this funding will unduly harm local communities. However, due to the competitive nature of EDA programs, local governments already do not incorporate this type of aid into their annual budgets, so you are not going to hurt them one dollar.

Therefore, eliminating future EDA funding effective immediately would not impose unexpected hardships on any community in this United States, but instead would foster more local control of developing local solutions to local problems and at the same time save the American taxpayers over $349 million. While the EDA may have once funded on a greatest needs basis, today the decisions have become in a great many cases highly politicized, with absolute need apparently no longer a priority.

I say all this, ladies and gentlemen, because in my district I have taken advantage of this, but the truth of the matter is this. Like other programs—the Small Business Administration, I came out of the small business area—it just is not right to subsidize one business at the expense of another. Every time we make a Small Business Administration loan to someone who has been turned down from 2 to 3 banks, and the next-door neighbor in competition with him has got to pay the income taxes to pay for the loan guarantee and the interest on that loan, that is wrong.

Ladies and gentlemen, if we are going to restructure this government, if we are going to stop this sea of red ink that is literally ruining this country, so that the annual debt service just to pay the interest on this loan today is more than the defense budget, that is what it is going to be for 7 years, you are going to be held responsible. Your children are going to regret it. That is why you ought to vote for this amendment.

If you are going to say with all the rhetoric that you support a balanced budget, then you are going to have to cut in your district as well as the other guy's. That is what I am doing in mine. That is why you have got to support this amendment.

Mr. ROGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. ENGLISH].

(Mr. ENGLISH of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I am opposed to the amendment to H.R. 2076 offered by my colleagues, Messrs. HEFLEY and SOLOMON. I support the proposed funding level for the programs and administrative expenses of the Economic Development Administration [EDA]. The EDA has effectively operated the Trade Adjustment Assistance Center and maintaining this mutual relationship is essential to continue to protect American workers and manufacturers nationwide who have been severely impacted by foreign imports.

I have been a strong advocate of retaining adequate funding levels for both the EDA and the Trade Adjustment Assistance [TAA] program. Over 23,000 manufacturing firms in my home State of Pennsylvania rely on TAA. I was pleased to see that in an era of tremendous fiscal constraint, the Committee disagreed with President Clinton's recommendation to eliminate the program and chose to include sufficient resources to provide strategic protection for our domestic workforce in a competitive world economy.

The number of jobs and amount of company sales supported by TAA is impressive, particularly relative to the modest amount of Federal investment. In Pennsylvania, this private/public partnership has resulted in the protection or creation of approximately 6,000 jobs and $485 million in company sales. Moreover, nationwide TAA has resulted in the reinvestment of $742 into the economy (including Federal tax revenues) for every Federal dollar appropriated for the program. That's a solid investment by any standard.

I urge my colleagues to protect U.S. manufacturing by continuing TAA funding through the able administration of the EDA. TAA and other services provided by the EDA will allow our companies to compete with imports, and expand into the global marketplace.

Mr. ROGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. BOEHLERT].

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

Mr. BOEHLERT. Mr. Chairman, I rise in strong support of the Economic Development Administration and against the Hefley amendment.

Why is it that we are against the Federal Government lending a helping hand to economically distressed communities? Were we

sent to Washington to abandon areas of our Nation that require Federal assistance to provide jobs for their citizens? I don't think so.

Now I am not claiming that every EDA loan or grant can be defended. But this amendment throws out the baby with the bathwater. The Transportation and Infrastructure Committee is in the process of reauthorizing EDA, and I am confident that bill can clean up any problems with the agency. You don't improve a program by eliminating it.

Killing EDA is particularly offensive right now because many communities being aided buy the EDA are the victims of Federal policies. Almost $100 million in this bill would go to assist communities that have been hard-hit by base closures and realignments. Don't we have an obligation to assist communities that have been harmed by sudden reversals of Federal policy? I think we do, and so do those on the Appropriations Committee.

I could provide a list of EDA success stories, but my time is limited, and I'm sure many of you have your own lists from your own districts. The EDA is a successful means to fulfill Federal obligations. The Appropriations Committee—hardly a bunch of big spenders—have recognized this.

This bill cuts funding by 21 percent, but it allows a reformed EDA to continue working to endure that American in all regions of this country can share in our prosperity. That's a worthy and necessary mission. I urge defeat of this amendment.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. BLUTE].

Mr. BLUTE. Mr. Chairman, I rise in strong opposition to this amendment, which would completely eliminate the Economic Development Administration [EDA] and all its programs.

Mr. Chairman, over the years, the EDA has played a pivotal role in helping communities across the country overcome severe economic difficulties. This is an excellent example of a program that truly works.

I have seen the good work of the EDA in action. In particular two communities in my district, Worcester and Attleboro, MA, have receive much-needed assistance from the EDA. These communities were hit particularly hard during the period of economic hardship that swept across the country earlier this decade.

Mr. Chairman, clearly economic development assistance remains an important source of funding for many communities. At the same time, I recognize the need for reform and reductions in Federal spending. As a member of the Transportation and Infrastructure Committee, I fully support the EDA reform bill that was recently reported out of subcommittee.

In closing, I would simply state that this amendment is ill-advised and would destroy a program that has helped and continues to help needy communities around the country. I applaud Chairman ROGERS for his support and interest in the EDA. Reform measures and spending reductions are moving through the committee process which will result in an even stronger, more efficient and responsive economic development program.

I urge my colleagues to defeat this amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Illinois [Mr. POSHARD].

Mr. POSHARD. Mr. Chairman, I rise today in strong support of the Economic Development Administration. With all due respect to my friend the gentleman from New York, I have a completely different view of the EDA.

We are talking about help in distressed areas of this country. I represent a coal mining district that has been closed down by the Federal Clean Air Act. You want to talk about help to our communities? It was the EDA that helped us get a water tower, I say to the gentleman from New York [Mr. SOLOMON], that saved 1,250 jobs in one of those communities that was devastated in a coal mining community.

It was the EDA that helped us put a sewer line into a business park that had been ravaged by another one of our Federal acts. It was the EDA that helped us put in a water line and a sewer line for an industrial park that has created a diverse economic opportunity for hundreds of people in my district.

I have a distressed area. The EDA and the Small Business Administration above all Federal agencies are the two agencies that have helped us forge Federal, State, and local partnerships to save our jobs in this country, and we should not be cutting funding for this agency.

Mr. HEFLEY. Mr. Chairman, I yield 30 seconds to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, I would just say to my good friend, where the problem is, it is not with keeping the EDA going. We ought to come with the Corrections Calendar and repeal some of those things that have caused all those problems in the gentleman's district. I am on that committee. I will support him if he does.

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

Let me just respond to some of the things that have been said. The budget that we passed here the other day, the balanced budget by 2002, assumed that we would get rid of the EDA. That was a part of the assumption that was built into that budget and the gentleman from New York [Mr. SOLOMON] eloquently made that point. It did not assume, as the gentleman from Pennsylvania [Mr. SHUSTER] said, that we would get rid of the EDA but we would change its name to something else.

What does that do for the $348 million if you move it from this pocket to that pocket? I guess we can go home and we can brag to our constituents, We got rid of the EDA. You wanted us to get rid of that. We got rid of the EDA, and it's gone. But then it is over here doing something else. That does not save the money. That does not get us down the road to the time when we will have a balanced budget in the year 2002.

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

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Alabama [Mr. CRAMER].

Mr. CRAMER. I thank my friend from West Virginia for yielding me the time.

Mr. Chairman, I rise in support of the Economic Development Administration's level of funding contained in this bill. Consequently, I oppose the amendment. I want to congratulate the people that have spoken out. I am going to sound something like a chorus here: The gentleman from Kentucky [Mr. ROGERS], the chairman; the gentleman from West Virginia [Mr. MOLLOHAN]; the gentleman from Pennsylvania [Mr. SHUSTER]; and the gentleman from Maryland [Mr. GILCHREST] as well. We are fighting within a tight budget to reform an administration that might in some ways need some reform but has been incredibly effective in my community there in Alabama.

In the Fifth District of Alabama, EDA has helped leverage non-Federal funds on projects ranging from water treatment facilities to business incubators. I think most of my local officials are clearly endorsing EDA, especially its concept of helping communities that help themselves. EDA is important because it provides seed money that promotes long-term investments that respond to locally defined economic priorities.

I hope the Members will pay attention to this debate. I think we owe as much responsibility to revise and evaluate before we eliminate. We should not make an extreme move and eliminate EDA. I oppose this amendment.

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Mr. ROGERS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Missouri [Mr. EMERSON].

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

Mr. EMERSON. Mr. Chairman, I would associate myself as a very practical matter with the remarks just made by the gentleman from Illinois [Mr. POSHARD].

My district is right across the river from the gentleman's district, and I can say the gentleman knows whereof he speaks and I share his sentiments. I also agree with the gentleman from Colorado [Mr. ALLARD] who made an exceedingly fine philosophical statement with which I can also agree.

But the answer, Mr. Chairman, lies somewhere between economic purism and the reality of factors out and around the country that would say from time to time, certainly in some of these small, disadvantaged communities, some help is needed. So I do not think the answer lies all one way or the other.

Mr. Chairman, I regret that the gentleman from New York in his presentation of bouncing books on the table

down here had apparently not heard the statement of the Chairman of the Committee on Transportation and Infrastructure, who has assured the House that significant serious reform is in process in the committee, and that significant dollars will be shaved and more appropriately directed than in the past.

I rise in strong opposition to the Hefley amendment and urge Members to take a more balanced view.

Mr. Chairman, I rise today in strong opposition to this amendment and in support of the successor agency to the Economic Development Administration. First, I want to explain what the EDA does and has done for those who may not be familiar with this issue. The EDA works with many of America's most economically distressed local communities and regions to plan and implement development projects to create jobs, retain jobs, and spur economic growth throughout rural and urban America.

In fact, I can tell you that had it not been for the EDA, several communities in my rural district would not have been able to attract the businesses and jobs that are now located in these areas. Over the years, the EDA has leveraged billions of dollars in local government and private capital for projects and generated billions more in tax revenues. For these reasons, the EDA has enjoyed the bipartisan support of the Congress for 30 years.

This Congress will soon approve or disapprove BRAC's third round of recommendations for base closure and realignments. These recommendations will have a devastating impact on communities and families across the nation. Who do you think will be there to offer help to these cities and towns? The Economic Development Agency or its successor agency will be there only if this amendment fails.

When rivers rise and communities are flooded; when earthquakes strike and all that is left is rubble; when a major plant closes due to foreign trade and leaves behind a virtual ghost town; when a community comes up with a great development plan but can't scrape together all the funding by itself, who steps in to help? The Economic Development Agency will, but only if this amendment fails.

Mr. Chairman, while opponents may question the usefulness of the EDA and exaggerate the past problems associated with the program, I stand and want to reform it, but not abolish it. I want to take a moment to explain that the authorizing committees are working on reforms. Under the able leadership of Chairman SHUSTER and Chairman GILCHREST, the Committee on Transportation and Infrastructure, and its Subcommittee on Public Buildings and Economic Development, EDA reform legislation is coming together.

EDA reform legislation replaces the federal bureaucracy with regional commissioners to make policy and grant decisions. The bill would also reform eligibility criteria to focus funds on truly distressed regions and cuts spending by $100 million a year. And finally, the EDA reform bill would allow the EDA to continue to do its important work if the Department of Commerce is eliminated. Let me make this point clear. A vote for the EDA is not a vote for the Department of Commerce.

Mr. Chairman, the EDA is the only place for distressed communities to turn when they are not able to contribute all of the capital investment needed for legitimate public works and economic development projects. The EDA reform bill will change the way the EDA does business for the better. I strongly urge my colleagues to oppose this amendment.

Mr. DURBIN. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Mr. Chairman, I rise in opposition to the amendment.

I have heard all the arguments, and I join my colleague from Missouri [Mr. EMERSON]. I have been to the gentleman's district, I have been to Illinois, I have been to Pennsylvania.

What we are really talking about here, Mr. Chairman, is priorities. We are trying to save about one-fifth of a B–2 bomber, the $350 million we are talking about here. I cannot talk about the whole country, and I cannot say that there are not those examples of the Golden Fleece Award, as my friend, the gentleman from New York, mentioned, but I can tell you one little story.

Nanticoke, PA, 3 years ago, was able to get an EDA grant that afforded the municipal authority the opportunity to build a $4 million building downtown. It was the first $4 million building built from the New York State line to Harrisburg, along the Susquehanna River, that had an elevator that went above two floors. In that building more than 300 people today are employed in data processing for a Fortune 500 insurance company that would never have come to northeastern Pennsylvania or that little town.

Mr. Chairman, 300 people are employed making $15,000 to $25,000 a year that otherwise would have been on unemployment compensation, welfare, or unemployed. That is what economic development is all about. That is what our priorities should be all about.

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

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Chairman three decades ago ''Night Comes to the Cumberlands'' described the abject poverty and desperate economic conditions in which people in rural Appalachia lived, and the Nation responded with the Appalachian Regional Commission, an issue we settled on the floor last week.

Similar conditions exist in rural areas and in pockets of poverty in urban areas around this country, and the Congress responded to their needs with the Economic Development Administration. Every year, the jobs created by EDA exceed the total amount of Federal investment by over $6 billion a year in Federal, State, and taxes paid from the jobs created by EDA.

Mr. Chairman, let us not chop this program from the Federal budget. Let us give hope to the economically depressed areas, the investment-starved areas of this country, so that, for them, ''Night Comes to the Cumberlands'' will become ''Morning Comes to America.''

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. TOWNS].

Mr. TOWNS. Mr. Chairman, I rise in opposition to the amendment. At $348.5 million, the subcommittee has already reduced funding for EDA by 21 percent from its fiscal year 1995 funding level. Totally eliminating funding for this Agency is not justified either from the standpoint of fiscal constraints or economic development policy.

The Economic Development Administration plays a vital role in supporting and enhancing communities around this Nation in a manner that is not carried out by any other agency. EDA grants help localities to build the capacity to plan and implement economic development strategies needed to respond to problems and to restore an employment base.

In areas where there has been a significant loss in the manufacturing sector, EDA has been able to halt further economic deterioration through its revolving loan programs to local businesses. In Buffalo, these efforts resulted in a 61-percent increase in manufacturing employment.

EDA also aids strategic planning and feasibility studies that bolster cooperative efforts for local economic development. For example, EDA efforts in this area helped the State of Maryland and the city of Baltimore to develop a restructuring plan for the promotion of local biomedical research and health facilities.

But Mr. Chairman perhaps the most important aspect of EDA programs are being overlooked here. The Agency's ability to pay for itself. It may be the only Federal program that is actually a net profit maker with a return for the Federal Government. Statistics suggest that approximately $3 of private investment is spurred by every invested EDA dollar.

As the Secretary indicated in his testimony before Congress, ''* * * economic opportunity is not evenly dispersed to all communities * * *'' EDA programs strive to equalize the economic playing field for distressed communities. This week the Public Works Committee reported out new strict eligibility standards which will ensure that EDA grants are awarded to our most distressed regions. This action ensures that funds will only go to the neediest communities.

Let us give these new changes an opportunity to work. EDA makes an important contribution to the economic vitality of this country. It is an agency that we need and an agency that deserves our support.

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Virginia [Mr. PAYNE].

Mr. PAYNE of Virginia. Mr. Chairman, I rise in strong opposition to the amendment to eliminate the EDA. The EDA works. We are cutting the EDA by 20 percent in this bill and that is enough.

Mr. Chairman, I have seen it work in my own district in Virginia, where

Henry County used an EDA grant to prepare a site for an industrial park. The EDA grant of $650,000 was matched by $740,000 in State and local money and attracted private sector investments of $68 million, 100 times the investment of EDA.

As a result, 550 people now work at the site in six different businesses. However, the site today would be an empty lot in a high unemployment area, except for the investment of the EDA.

Mr. Chairman, my district is not unique. The EDA is targeted, it is effective and locally driven, and the EDA works in partnership with local leaders in the private sector to foster economic growth for citizens in distressed areas. Clearly, the EDA is an important cost-effective agency; one that we should support, not eliminate.

Mr. Chairman, I urge my colleagues to reject this amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. MINETA], a distinguished minority member of the authorizing committee.

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

Mr. MINETA. Mr. Chairman, I rise in strong opposition to the amendment offered by my colleagues from Colorado, New York, and Florida. However, before I discuss the specific provisions of the amendment, I would like to commend the chairman of the Commerce, Justice, State, and Judiciary Appropriations Subcommittee, Mr. ROGERS, and its ranking member, Mr. MOLLOHAN, for their excellent work on this bill.

This bill provides $348 million for the programs of the Economic Development Administration [EDA]. This appropriation cuts the EDA's current year funding by more than 20 percent. It is $91 million less than the President's request and well within the economic development authorization which our Subcommittee on Public Buildings and Economic Development unanimously passed just yesterday.

Nevertheless, this amendment seeks to eliminate all funding for the Economic Development Administration. At a time when the infrastructure of distressed communities is crumbling, this amendment would eliminate much-needed public works funds. At a time when communities need assistance to determine how to compete in the global market, this amendment would cut off critical planning and technical assistance. At a time when our defense industry is radically downsizing and hundreds of bases are closing, this amendment would cut assistance these communities and the industry need to help them pick themselves up, brush themselves off, and put the pieces of job creation back in place.

For instance, look at EDA's crucial role in defense conversion. Nationwide, more than 250 military bases are currently closing and almost 150 additional facilities are being realigned. As we all know, the 1995 Base Closure and Realignment Commission proposes closing another 79 based and realigning 26 others. In my home State of California alone, the defense industry has already lost one-quarter of a million jobs. Since 1988, 21 major bases have been slated for closure, with more than 80,000 military and civilian workers losing their jobs.

Through it all, EDA—with infrastructure grants, business development loans, and technical assistance—has helped both communities and industry adjust to the post-cold-war world. Now is not the time to kill this critical program.

To the critics of EDA, let me say: the subcommittee-passed bipartisan authorization bill will launch EDA on a new effort founded on reform, responsibility, efficiency, and accountability. Gone are the programs and approaches of old. Gone are the inefficient bureaucracies; gone are the archaic eligibility requirements; and gone are the time-consuming and cumbersome approval processes. I believe that our bill addresses your concerns about EDA.

Both the Transportation Committee's bipartisan authorization bill and this appropriation bill address the concerns of the past and the challenges of the future. Before we eliminate these programs without due consideration to the effect, let us provide EDA with an opportunity to ensure that our Nation's economic development program is second to none.

I urge Members to vote ''no'' on the amendment.

Mr. Chairman, it was my hope, that our colleague from New York, Mr. SOLOMON, in dropping all the papers here, would have left them here, because I would have come back to put them back into place.

Mr. Chairman, I submit the following:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 11, 1995.

Mr. WILLIAM DAVIDSON,
Regional Planning Board,
Lake George, NY.

DEAR WILLIAM: Thank you for contacting me regarding the Economic Development Administration. I most certainly share your concern with this matter. I vigorously support the efforts of the Economic Development Administration to provide much needed capital to businesses.

Although, Congress recently rescinded a total of $45 million in unspent funds to the Economic Development Administration, these funds represent monies that were authorized years ago and still remain unspent. This reduction does not represent a cut in current funding for the Economic Development Administration.

These rescissions consist of funds appropriated in fiscal year 1992 for emergency relief related to Hurricane Andrew and the Midwest floods. In both cases money for the Economic Development Administration was not requested by the Clinton Administration. Additionally it was generally accepted that these funds had been available for an appropriate length of time to address the effect of economic dislocation resulting from these disasters. The bill also included the rescission of $7.5 million originally provided in 1987 for the Fort Worth Stockyards Project that remained unspent after eight years.

These rescissions and others like them address the long overdue problem of our national debt that now exceeds $4.5 trillion and threatens the fiscal stability of this nation for future generations. Interest in the deficit will amount to over $234 billion this year alone. This means that this year's spending by the federal government will be paid for by our children and grandchildren. That's why spending reforms must take place to make this government live within its means and to restore accountability to the budget in Washington. For as long as I have been in Congress, I have supported efforts to reduce government waste and achieve a more efficient use of taxpayers' money. For the sake of future generations the time has come to cut spending. This means reducing, consolidating and eliminating even the most popular programs.

Although, the time has come for all programs to be trimmed or returned to localities, I strongly support helping small business and will do everything possible to ensure that the reforms maintain the Economic Development Administration.

Once again, thank you for contacting me regarding your thoughts on this matter.

Sincerely,

GERALD B. SOLOMON.

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

Mr. Chairman, let me say I have offered similar amendments over the years to abolish EDA and in the past it is not the easy thing to do, because it is the kind of amendment that strains friendships. Each of my colleagues has their own experiences about how EDA has helped their communities.

Mr. Chairman, I do not dispute that the EDA has done some good things, but it cannot be disputed that the EDA has had many, many failures as well. To top that off, the financial management of the EDA, according to the Department of Commerce inspector general, is in absolute shambles.

But, Mr. Chairman, the debate is not about whether a particular project is beneficial or not. The debate is whether the EDA is the best use of taxpayers' dollars and it clearly is not. The EDA's influence on the economy is highly overrated. On a good month, the U.S. economy creates more long-term jobs than the EDA has created in its 28-year history.

The best economic performance this country has experienced in the past 28 years was when the EDA's budget was at its lowest. Let us face it, the EDA has been on the chopping block for years. It has survived for the simple reason that it makes Representatives and Senators look good.

Mr. Chairman, I contend that balancing our budget will do more for all of our reputations than all of the successes of the EDA. We need to bring these taxpayers' dollars back to do what they should be doing.

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

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. CLINGER], the chairman of the Committee on Government Reform and Oversight.

Mr. CLINGER. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Colorado [Mr. HEFLEY] with all due respect.

Mr. Chairman, I think that having been at one time an alumnus of the EDA, I would disagree that the Agency has not, in fact, done many good things throughout this country. It has not been a boondoggle. We used to argue this with David Stockman who said it was a zero sum game and it does not create any new jobs.

□ 1830

I think there are Members in this body who can speak from experience who know, in fact, we did create jobs.

I think the important thing to emphasize here is we are now on track to eliminate the Department of Commerce. We are proceeding to do that. My committee is going to be not orchestrating it, but finding out where things fit.

I think it would be premature at this point to eliminate EDA until that process that we have ongoing now through the reconciliation process has been completed.

I think the chairman, the gentleman from Pennsylvania [Mr. SHUSTER], testified we are making dramatic changes in the delivery system. There have been mistakes. Too much of the country qualified for EDA assistance. It clearly should be focused on those areas of greatest need. Give us a chance to make those kinds of reforms. Give us a chance to do reconciliation before we hack the agency to death.

Mr. ROGERS. Mr. Chairman, I yield the balance of our time to the gentleman from Mississippi [Mr. WICKER], who, as many know, is president of the freshman class on the Republican side of this body.

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

Mr. WICKER. Mr. Chairman, I thank the distinguished chairman of the subcommittee for yielding this time to me.

I certainly rise in opposition to this amendment, and I rise in support of the Economic Development Administration.

I want to associate myself with the remarks made by many of my colleagues here this afternoon.

My colleague, the gentleman from New York [Mr. TOWNS], spoke eloquently on behalf of the EDA, and I want to take issue with only one thing he said. He said that EDA is the only agency he knows of that actually makes money for the Government at the end of the day by drawing down so much money from other levels of Government and from the private sector. Actually, there are other such agencies, and I would suggest to you that this is the very argument that carried the day on behalf of the Appalachian Regional Commission a couple of weeks ago, when, by an overwhelming bipartisan majority, this House rejected an amendment to defeat the Appalachian Regional Commission and rejected an amendment to eliminate the economic development portion of the Tennessee Valley Authority.

The same arguments that carried the day 2 weeks ago on TVA and ARC are true today, with the exception of the fact that EDA helps needy counties in every section of the United States of America, not just in a localized area, as the Appalachian Regional Commission and TVA do.

It would be the height of inconsistency for this House of Representatives to save the ARC and TVA while at the same time killing EDA.

Now, there are differences in the programs, but the main factors still remain. I would suggest to you that the chairman, the gentleman from Pennsylvania [Mr. SHUSTER], was correct when he spoke earlier about the need for changes in the funding formula.

I do have a bill in the subcommittee that has authorizing jurisdiction, and that subcommittee is working on changing the funding formulas. I think, quite frankly, that EDA could have more of a bottom-up approach and more participation by the Governors than they presently have.

But the arguments still basically are the same. We are talking about an agency that provides jobs and an agency that is working. It provides for needy countries, for example, fire protection to attract jobs and industry into a community and create taxpayers out of people. It helps communities build industrial parks. It helps communities build access roads to job locations. This is money well spent.

There is Federal money that basically takes a dollar out of somebody's pocket who is working and gives it to somebody else who is not working. I think Americans have the right to question that type of Federal spending, and we are doing that. We are balancing the budget in this House of Representatives and in this Congress.

But, when we can take Federal dollars and provide the opportunity for private sector employers to create jobs in the private sector and make taxpayers out of individuals in the counties which need it most and the locations which need it most, to me that is so much better than a transfer payment because it creates long-term jobs. EDA, just like TVA and ARC, is a good investment in jobs in the private sector.

I urge a ''no'' vote on the amendment and support for the EDA.

Mr. FOGLIETTA. Mr. Chairman, I rise to strike the requisite number of words.

I rise in strong opposition to this short-sighted amendment which would terminate funding for the Economic Development Administration.

As the Representatives whose district is home to the Philadelphia Naval Shipyard and has been one of the most heavily affected regions in the base closure process, I know firsthand the remarkable work being done by EDA.

With the expected loss of over 38,000 direct and indirect jobs as a result of the closure of the Navy Yard, EDA was on the ground working with the community—not as bureaucrats, but as a partner.

In Philadelphia, thanks in large part to this partnership, we are on the brink of creating good jobs and economic opportunity by reviving commercial shipbuilding at the Navy Yard.

EDA provides planning grants to local communities so that they can develop their own economic development plans. EDA provides seed money for community-identified infrastructure investments so that they can recover from an economic loss and rebuild their economic base.

And there are similar success stories throughout the Nation. EDA is assisting big cities hit by defense downsizing, small farming communities stricken by drought and suburban towns hurt by industry cutbacks.

People think of big cities when they talk about the EDA. But these EDA cuts will cut across all geographic lines.

I urge my colleagues to talk to their mayors, county executives and local chambers of commerce to hear these success stories firsthand. Oppose this amendment.

Mrs. CLAYTON. Mr. Chairman, I rise in opposition to the amendment.

The Economic Development Administration has been critical for rural America, and it promotes domestic growth as well as international trade growth.

It truly puzzles me how Members can propose to eliminate the very agencies of Government that have been effective in advancing the fiscal health of America.

The Economic Development Administration has done that.

I wonder if Members are aware of how this agency works.

I am familiar with how it works in the promotion of international trade and exporting of U.S. goods and services.

That is a vital and important function.

Exports from the United States have accounted for more than one-third of the economic growth in America, over the last 7 years.

Over the next 10 years, exports will grow three times as fast as any other component of the U.S. economy.

Export-related jobs have grown faster than domestic employment and export-related jobs pay almost one-fifth more than other domestic jobs.

In 1994 alone, exports supported some 11 million jobs in this Nation, and by the year 2000, exports will support nearly 16 million jobs.

In light of this compelling data, why then, Mr. Chairman, does this House seem to continue to be penny wise and pound foolish?

Why does this House continue to cut the budget without regard to what's in the budget?

Is this House so determined to march recklessly towards a balanced budget that it is willing to sacrifice good, important and valuable programs along the way?

I would suggest, Mr. Chairman, that by retaining the Economic Development Administration, we are more likely to balance the budget by the year 2002 than if we eliminated it.

The Economic Development Administration does just what its name suggests—it spurs economic development in America—not just domestic development, but global development, where the real future lies.

I urge a ''no'' vote on this amendment. Wake up Congress!

Mr. RAHALL. Mr. Chairman, I rise in strong opposition to the amendment offered by my colleague, Representative HEFLEY, to strike all funds contained in H.R. 2076 for the Economic Development Administration.

Just yesterday, a bill reauthorizing the EDA was reported to the Transportation & Infrastructure Committee by the subcommittee of jurisdiction, and it is a bill that streamlines and tightens eligibility for EDA program assistance so that the funds spent go only to our most distressed regions throughout the Nation.

H.R. 2076, the Commerce/State/Justice appropriations bill, has already cut EDA funding by 21 percent—or $91 million—below the fiscal year 1995 funding level. Twenty-one percent is a huge cut and I believe it represents EDA's fair share contribution toward reducing the deficit.

The reauthorization bill preserves the basic EDA programs, but has radically altered the program delivery mechanism by adopting an ARC Commission model for future grant-making and policy decisions.

In order to counter criticism of the EDA that it is nothing more than a Federal piggy bank, the new authorizing legislation strengthens the program by tightening the eligibility criteria, so that only truly distressed regions throughout the country will receive economic development assistance.

Mr. Chairman, the new authorizing bill continues the ability of communities to respond to defense cutbacks and base closures while, at the same time, retaining eligibility for local development districts and university centers; the bill also reforms the EDA delivery mechanism basing it on the ARC model of documented success; and it tightens eligibility criteria, while cutting EDA funding by $91 million—21 percent in fiscal year 1996. This is good reform where needed, and qualifies the EDA for our continued support.

I urge my colleagues to defeat the Hefley amendment to abolish the EDA, and urge their strong support for the continued funding for this vital job-creating program.

This is a program that has always helped regions of the country in need of economic development and job-creating assistance—and it should be allowed to continue to provide this assistance to local governments.

Defeat the Hefley amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from Colorado [Mr. HEFLEY] will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the order of the House of today, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: First, amendment No. 43 offered by the gentleman from Colorado [Mr. ALLARD]; second, amendment No. 1 offered by the gentleman from Colorado [Mr. HEFLEY].

AMENDMENT OFFERED BY MR. ALLARD

The 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 nose 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 will be a 17-minute vote.

Pursuant to the order of the House of today, 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 the next amendment.

The vote was taken by electronic device, and there were—ayes 197, noes 230, not voting 7, as follows:

[Roll No. 578]

AYES—197

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Boehner
Bonilla
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Camp
Canady
Chabot
Chambliss
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Fields (TX)
Foley
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gillmor
Goodlatte
Goodling
Gordon
Goss
Graham
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Hunter
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kim
Kingston
Kleczka
Klug
Knollenberg
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Longley
Lucas
Luther
Manzullo
Martini
McCollum
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Moorhead
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce
Quinn
Radanovich
Ramstad
Regula
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Visclosky
Vucanovich
Waldholtz
Walker
Wamp
Watt (NC)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Zeliff
Zimmer

NOES—230

Abercrombie
Ackerman
Baesler
Baldacci
Ballenger
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Blute
Boehlert
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Calvert
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Conyers
Costello
Coyne
Cramer
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dickey
Dicks
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Ehlers
Engel
English
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Forbes
Ford
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gonzalez
Green
Greenwood
Gutierrez
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Houghton
Hoyer
Hutchinson
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Klink
Kolbe
LaFalce
Lantos
Laughlin
Leach
Levin
Lewis (GA)
Lightfoot
Lincoln
Lipinski
Lofgren
Lowey
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McCrery
McDade
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Montgomery
Moran
Morella
Murtha
Myers
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Poshard
Quillen
Rahall
Rangel
Reed
Richardson
Riggs
Rivers
Rogers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Skaggs
Skelton
Slaughter
Spence
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Volkmer
Walsh
Ward
Waters
Watts (OK)
Waxman
Weldon (FL)
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—7

Bateman
Chenoweth
Collins (MI)
Dingell
Hall (OH)
Moakley
Reynolds

□ 1854

The Clerk announced the following pair:

On this vote:

Mrs. Chenoweth for, with Mr. Dingell against.

Messrs. HOLDEN, DEUTSCH, FORD, and SKELTON changed their vote from ''aye'' to ''no.''

Messrs. GALLEGLY, RADANOVICH, BUYER, LAZIO of New York, WICKER, EMERSON, and GORDON changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HEFLEY

Mr. CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado [Mr. HEFLEY] 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 CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 115, noes 310, not voting 9, as follows:

[Roll No. 579]

AYES—115

Allard
Archer
Armey
Bachus
Baker (CA)
Barr
Barrett (NE)
Barton
Bass
Bereuter
Bilirakis
Bliley
Boehner
Brown (OH)
Brownback
Bunning
Chabot
Christensen
Chrysler
Coble
Condit
Cox
Crane
Crapo
Cubin
Cunningham
DeLay
Doolittle
Dornan
Dreier
Dunn
Ehrlich
Ensign
Ewing
Fawell
Fields (TX)
Foley
Forbes
Frisa
Gallegly
Goss
Gutknecht
Hancock
Hansen
Hastert
Hayworth
Hefley
Hobson
Hoekstra
Hoke
Hostettler
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Klug
Kolbe
LaHood
Largent
Linder
Manzullo
McCollum
McInnis
McIntosh
McKeon
Miller (FL)
Moorhead
Moran
Myrick
Nethercutt
Neumann
Norwood
Nussle
Oxley
Paxon
Petri
Porter
Pryce
Radanovich
Ramstad
Rohrabacher
Roth
Royce
Salmon
Sanford
Scarborough
Schaefer
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Smith (MI)
Smith (WA)
Solomon
Souder
Stearns
Stockman
Stump
Talent
Tate
Tiahrt
Waldholtz
Walker
Watt (NC)
Weldon (PA)
White
Wolf
Young (FL)
Zeliff
Zimmer

NOES—310

Abercrombie
Ackerman
Andrews
Baesler
Baker (LA)
Baldacci
Ballenger
Barcia
Barrett (WI)
Bartlett
Becerra
Beilenson
Bentsen
Berman
Bevill
Bilbray
Bishop
Blute
Boehlert
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Bryant (TN)
Bryant (TX)
Bunn
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cardin
Castle
Chambliss
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Conyers
Cooley
Costello
Coyne
Cramer
Cremeans
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Funderburk
Furse
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Graham
Green
Greenwood
Gunderson
Gutierrez
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Holden
Horn
Houghton
Hoyer
Hunter
Hutchinson
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Jones
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kingston
Kleczka
Klink
Knollenberg
LaFalce
Lantos
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCrery
McDade
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Morella
Murtha
Myers
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Portman
Poshard
Quillen
Quinn
Rahall
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schiff
Schroeder
Scott
Serrano
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Spence
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Wamp
Ward
Waters
Watts (OK)
Waxman
Weldon (FL)
Weller
Whitfield
Wicker
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOT VOTING—9

Bateman
Canady
Chenoweth
Collins (MI)
Dingell
Hall (OH)
Moakley
Reynolds
Roukema

□ 1902

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. ROUKEMA. Mr. Chairman, on rollcall No. 579, I was not recorded. I believe that I registered a ''no'' vote but it was not recorded.

Had I been present, I would have voted ''no.''

I ask unanimous consent that my statement appear in the RECORD immediately following that rollcall vote.

Mr. ROGERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if I may have the Members' attention on the schedule, I think we have some information that would be helpful to everyone.

Mr. Chairman, we think we have time agreements on all the rest of the amendments that will take significant time, and we think that will take around two hours. We think we should roll all votes on this bill until all debate has ended so that there will only be one other series of votes at the conclusion of debate.

Therefore, Mr. Chairman, if this is agreeable, there will not be any votes, we estimate, for around two hours.

Members who have amendments should be prepared to offer them because there will not be any intervening votes to kill time.

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, we intend to have on the legislative branch appropriations bill a unanimous-consent to appoint conferees after the last vote on the bill. We do not anticipate a vote to be called for on either side. If that is the case, then there would not be a vote, but that is the intent, to ask unanimous consent to appoint conferees, and we intend to go into conference tomorrow, tomorrow evening. We are assuming no one will call for a vote on that.

PERSONAL EXPLANATION

Mr. VOLKMER. Mr. Chairman, on today, Wednesday, July 26, during consideration of H.R. 2076, the Commerce, Justice, State appropriations bill for fiscal year 1996, I missed rollcall vote No. 577. Had I been present, I would have voted ''no.''

The CHAIRMAN pro tempore (Mr. LAHOOD). Are there further amendments to title II?

AMENDMENT OFFERED BY MR. MOLLOHAN

Mr. MOLLOHAN. 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 offered by Mr. MOLLOHAN:

On page 43, line 2, strike '': *Provided*, That'' and all that follows through ''grants'' on line 10.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on

this amendment and all amendments thereto close in 30 minutes and that the time be equally divided.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from West Virginia [Mr. MOLLOHAN] will be recognized for 15 minutes, and is the gentleman from Kentucky [Mr. ROGERS] seeking recognition in opposition?

Mr. ROGERS. I am, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Kentucky [Mr. ROGERS] will be recognized for 15 minutes in opposition.

The Chair recognizes the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise to offer an amendment to strike language in the bill which prohibits funds under the NIST Industrial Services account from being used for the Advanced Technology Program.

Mr. Chairman, this program has been in existence for 4 or 5 years. It was initiated under President Reagan's administration. One of the prime sponsors was a former distinguished Member of this body, Mr. Ritter, who served on the Republican side of the aisle from Pennsylvania. It was an expression of his strong interest and, as well, the Reagan administration's interest, in this country being strategic about approaching technology development and understanding its importance in making the United States competitive vis-a-vis our world competition.

The rule today did not permit me to offer the amendment I would like to offer, Mr. Chairman, which was to restore funding to the ATP program. In this bill funding is eliminated in 1996 for any new ATP grants. There is carryover money allowed in the bill to fund grants made in 1994 grants and before. However, Mr. Chairman, the funding is not adequate. My amendment today would strike the language in the bill which is contained on page 43 which states that none of the funds made available under this heading in this or any other act may be used for programs of carrying out additional program competitions under the Advanced Technology Program. This amendment does not restore any funding. It simply eliminates that prohibition.

Let me say a few words about the ATP program, which I think is extremely valuable. Some would say, Mr. Chairman, that the Advanced Technology Program is corporate welfare. I would suggest that nothing is further from the truth.

Let me make it clear that ATP is not an entitlement program. It is a competitive program. In fact, industry funds more than half of the total R&D costs for ATP projects, and most of the awards of this program go to small and medium-sized businesses. Many of these businesses are in partnerships with universities, with foundations, with research organizations, as well as with larger corporate partners. That is hardly corporate welfare. Additionally, ATP does not pick winners and losers. This program does not even address technology when it is at the commercial state. It is pre-competitive.

Mr. Chairman, I urge support for our amendment to remove this limiting language.

Mr. ROGERS. Mr. Chairman, I yield myself one minute.

Mr. Chairman, I rise in strong opposition to the gentleman's amendment, and I will yield myself further time in a few minutes, but I wanted the Chairman of the Committee on Science to be able to speak because he has other work he has to go to.

This amendment deals with the Commerce Department's Advanced Technology Program, which is not currently authorized. I do not expect it will be reauthorized, and it is not funded in this bill. The amendment deletes the insurance language in the bill, language which insures that recipients of ATP grants in prior years would have some continuation funding to either complete their projects or to carry them through while they find alternative funding.

So I urge a no vote on this amendment. We did not fund the program in this bill. We allowed unused money, carryover money, from last year to be used to pay for projects from 1994 and previous years, but not 1995, nor certainly any new ATP grants. We think it is the fair approach to shutting down a program that needs to be shut down without undue harm to previous recipients.

Mr. Chairman, I yield two minutes to the very distinguished gentleman from Pennsylvania [Mr. WALKER], chairman of the Committee on Science who has a very deep interest in this program.

Mr. WALKER. Mr. Chairman, I rise in opposition to the amendment.

First of all, let us do away with the myth that somehow this is a Reagan program that ought to be supported because it was Ronald Reagan. The Reagan administration never requested money for this program.

Now it is true that the Bush administration did request some money for this program, but that was in dialog with the Democrats who were looking for some other kinds of concessions, and the Bush people ultimately bought in. I have since talked to some of the people who were Commerce Secretaries under President Bush who told me that they were very reluctant about this program and believe that it is now time to do away with it, and that is exactly where we are headed here.

The Commerce appropriation bill provides no money for the Advanced Technology Program. This program was terminated as a part of the assumptions of the budget resolution. The ATP program authorization expired in fiscal year 1993. The Committee on Science, which I chair, has reported the National Institute of Standards and Technology authorization, and the ATP program is not included.

So, the only reason to strike the good-government taxpayer-protection provisions regarding ATP in H.R. 2776 is to establish a loophole for spending hundreds of millions of dollars of new money on new grants. If we spend the last dollars on new grants, nothing will be left for completing the ongoing projects that have already gotten some money. With this language $318 million is now available for the orderly completion of the program. If, in fact, what we do is adopt the Mollohan amendment, what we are not going to be able to do is complete these programs in an orderly way, and we are going to have a mess out there.

I understand that there are some in the opposition party that do not want to reduce the size of government at all. They are against any and all program terminations. Let us stand up and do what we said we were going to do in November—with this amendment—so that we can have an ordinary termination of a program that has outlived its usefulness.

□ 1915

Mr. MOLLOHAN. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I would like to engage the distinguished chairman, the gentleman from Pennsylvania, in a colloquy. Did I understand the gentleman to suggest that there was not support for this program in the Bush administration?

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, no, what I said was that they did in fact come up with money for it, but since that time, I have talked to Cabinet Secretaries who served in the Bush administration who indicated to me this is a program we can get rid of.

Mr. MOLLOHAN. Mr. Chairman, reclaiming my time, I would like to read from Mr. Bromley, President Bush's Science Adviser:

> In the Bush administration we made a start towards more effective use of our technology strengths as, for example, in the successful Advanced Technology Program in the National Institute of Standards and Technology, and I am pleased to see that the program is expanded. There is much that remains to be done, however, and the Clinton administration has emphasized its intent to make technology one of its major thrusts.

Mr. WALKER. Mr. Chairman, if the gentleman will continue to yield, the gentleman is not refuting anything I said. I said Commerce Secretary.

Mr. MOLLOHAN. Mr. Chairman, reclaiming my time, Secretary of Commerce Barbara Franklin, under the Bush administration, says,

> ATP is an excellent example of the kind of practical partnership between industry and government that can lay the foundations today for commercial successes in world markets tomorrow.

Mr. ROGERS. Mr. Chairman I yield 1 minute to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I would say to the gentleman that Barbara Franklin and I are very good friends. We grew up in the same town. I just had an opportunity to talk to her on the telephone the other day, and she assured me if we could in fact get rid of the ATP program, we would be doing a service to the country.

So she is one of the people that I feel strongly would say now that the direction in which this bill goes is exactly the right direction to go.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, Barbara Franklin also says, ''Now entering its third year, the Advanced Technology Program has demonstrated its ability to attract top-flight proposals from virtually every field of technology, and from innovation companies both large and small.'' She goes on.

Mr. WALKER. Mr. Chairman, reclaiming my time, I am sure there are plenty of quotes of people at the time they were administering the program.

Mr. MOLLOHAN. That is Barbara Franklin.

Mr. WALKER. I said I talked to her within the last few days.

Mr. MOLLOHAN. You are so persuasive, even in the interpretation of this language.

Mr. WALKER. I have talked to former Secretary Franklin within the last few days, and she is in favor of getting rid of the ATP program.

Mr. ROGERS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, as I said earlier, I am in opposition to this amendment. Essentially what this amendment would do would be to strike the language in the bill that prohibits the carry-over funds, $187 million that have not been spent, from being spent for new ATP grants or to pay for the continuation of 1995 ATP grants. The bill language only allows those carry-over funds to be spent for grants made in 1994 and previous years.

We think that money is necessary to be able to close out in a reasonable fashion older grants, the mature grants, the ones who have a life-span of 3 to 5 years. This money that is carry-over funds could be used under the bill language to finish out those older grants, but not to make new ones in 1995 or 1996.

Now, the amendment that the gentleman from West Virginia [Mr. MOLLOHAN] has filed, would allow those carry-over funds to be used to finance the continuation of the ATP grant program, to issue new grants in 1996, to issue continuation grants for 1995 programs, and so on. It is the old business as usual. We think, Mr. Chairman, that the ATP program is a corporate welfare program.

No. 2, it is a Washington-based picker of winners and losers in the private sector. We think the private sector is the one to make choices of winners and losers, and therefore we urge the defeat of this amendment and to keep the prohibition in the bill to stop the ATP program in its tracks.

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

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the gentleman from Colorado [Mr. SKAGGS], a distinguished member of our subcommittee.

Mr. SKAGGS. Mr. Chairman, I thank the gentleman for yielding and congratulate him on this proposal, which I support.

Mr. Chairman, we are going to hear a lot of mythology during this debate. One of the myths was just offered up, and that is we are somehow picking winners and losers. In fact, this is an enlightened effort to create a partnership in which a modest amount of capital from the Federal side is used to leverage a great deal of capital from the private sector into doing the kind of applied technology that the marketplace simply is not going to support otherwise.

Look at the analogy to the National Science Foundation. We know that private enterprise in this country is not going to support the kind of basic research that does not have immediate payoffs. We realize that that is in our enlightened national self-interest to support such research through a collective effort, through taxes.

The same thing applies here. There are some key technologies that are not quite market-ready, but we have reasonable grounds to know that they are going to pay off big time for us in the long haul. The ATP program is to give an increment of public capital to leverage a great deal of private capital to bring some of these promising technologies to market viability.

Mr. Chairman, we are up against a very competitive world situation in which most of the rest of the industrialized world has things like this going on. Let us not tie our hands behind our backs.

Mr. ROGERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Maryland [Mrs. MORELLA].

(Mrs. MORELLA asked and was given permission to revise and extend her remarks.)

Mrs. MORELLA. Mr. Chairman, I rise in behalf of the amendment offered for the ATP program, which is administered through NIST.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise very strongly to support the Advanced Technology Program, because I know locally that it is not about big business; it is about small technological firms that help give jobs to Americans.

Over 177 R&D projects have been created since the program's inception involving the efforts of some 400 organizations, from government laboratories to academic institutions, and I really want to emphasis academic institutions. It allows the research that would not be supported by the private sector to be supported and to provide the kind of technology, that a local firm in my community has been able to develop a biocatalytic desulfurization technology which aids petroleum companies in conforming to environmental regulations. What better use of our tax dollars than to improve the quality of life, to create jobs, and, of course, to help an industry that is so much in need of enhanced technology to improve its productivity.

This small company is an excellent example of why we need the ATP program, to aid small R&D organizations with Federal moneys in order to develop promising technologies that private sector corporations and venture capital groups would be hesitant to fund. We cannot leave the development of these important new technologies to tax credits or regulatory reform and ignore the need for Federal programs like ATP.

Let us continue, Mr. Chairman, to fund programs like this. Let us support ATP. I rise in support of this amendment.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from Massachusetts [Mr. OLVER].

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

Mr. OLVER. Mr. Chairman, I rise in support of the Mollohan amendment. Mr. Chairman, I am puzzled why the Republicans want to eliminate the Advanced Technology Program, which was established by President Bush. Every major industrialized country in the world has private sector, government cooperative programs designed to increase their country's competitiveness in this global economy. Incredibly, to me at least, this bill terminates our own program. That is like unilateral disarmament in the midst of a war, and competition in today's global economy is clearly the economic equivalent of war.

Yesterday, my distinguished Committee on Science chairman, the gentleman from Pennsylvania [Mr. WALKER], asserted that tax cuts, regulatory relief, and product liability reform are more beneficial than ATP. Well, what better gift to governments and businesses around the world than to see the United States disarm its private sector-government partnerships that could support competitiveness?

Mr. Chairman, I urge a yes vote for the Mollohan amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. TANNER].

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

Mr. TANNER. Mr. Chairman, I rise in strong support of the Mollohan amendment. I realize the difficult task facing Chairman ROGERS and Ranking Member MOLLOHAN in making cuts to the Department of Commerce.

Mr. MOLLOHAN was prevented from offering an amendment which would have ensured funding for commitments made in fiscal year 1995 and prior years. A goal which I might add is supported by the Technology subcommittee of the Science Committee which reported out a bill with bipartisan support authorizing the ATP all the Republicans on our subcommittee voting aye. Mr. MOLLOHAN's amendment would give NIST the flexibility to try and meet these commitments.

I understand that the current budget climate is not the time to expand the ATP program. However, we should do our best to ensure that those commitments made by the Government to the private sector are kept. We should not terminate this program mid-stream, after companies have begun projects, developed strategic business plans, and invested their own money based on a Federal commitment to a program that goes back to the Reagan administration.

However, I believe the Advanced Technology Program should not be eliminated outright. At a time when American corporations are scaling back R&D spending to focus on short-term profits, and small high-tech entrepreneurs are finding it increasingly difficult to find needed venture capital, the Advanced Technology Program is a small, but important Government program to fill this gap and to help ensure the future vitality of our economy.

We can argue the philosophy of whether or not the Government should engage in partnership with industry. But, I think we can all agree that we should do our best to ensure that the Government meets existing commitments.

Keep in mind that the private sector puts up their money to fund this precompetitive research.

Mr. Chairman, I urge my colleagues to support the Mollohan amendment.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Chairman, this amendment concerns the Advanced Technology Program, but it would be more rightly called the initiative from the gentleman from West Virginia for jobs for Americans, because that is what it is all about. It focuses on science and technology, but it is about whether we want jobs in this country or we want to continue to see the good, high-wage jobs going somewhere else.

We understand that in Austin, TX. You see, in our community, concepts like public-private partnership, consortium, teamwork, alliance, the idea that the government and the private sector can work together, those are not alien concepts. They are what has given us the kind of economic development problems that every other county in the country would like to have. Unemployment that has stayed consistently below 4 percent, because we are developing good, high-wage jobs in a public-private partnership, and technology has been essential to that. It is essential today as we recognize the kind of fierce international competition we have.

Other countries, our competitors like Germany and Japan, are spending 3 percent of their gross national product on research and development. We are spending about 2 percent. And with this kind of approach, that investment is going to plummet.

I believe tonight that the opposition to the Mollohan amendment has reached a new standard in myopia, with reference to this whole question of how we can work together to improve research in this country and keep jobs here.

Moreover, unless we adopt this amendment, this appropriations bill is going to break the word of the U.S. Government to those who have submitted requests and who are not going to be funded unless the Mollohan amendment is adopted.

□ 1930

Let me just give one example of the kind of company we are talking about, a small company called SciComp, Inc., in Austin. It is a small startup company that is developing numerical software. As a result of the ATP they will be able to continue to do that and provide more good jobs in America. If we adopt the Mollohan amendment, that kind of thing can be going on all over the country.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BROWN], the distinguished ranking member of the Committee on Science.

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

Mr. BROWN of California. Mr. Chairman, I support the Mollohan amendment to strike the ban contained in this legislation.

I regret that my good friend, the distinguished chairman of the Committee on Science, had to leave for another appointment because I wanted to follow up on the discussion that he was conducting about how this really was not something that Reagan wanted, even though he signed the bill that created this program. It really was not something that Bush wanted, even though his science advisor and the chairman of his Council of Economic Advisors helped to develop the program to where it is at the present time.

The gentleman from Pennsylvania [Mr. WALKER] has been a consistent opponent of this program since the 1980's. He did not buy the philosophy which the Bush administration bought and which most Democrats bought, that the U.S. Government ought to be user friendly for business, because that is what this program is intended to do. It is intended to make government and business partners in reversing the decline in our competitiveness and in improving the efficiency of industry, in developing new innovations which will create jobs, as our distinguished colleague from Texas just indicated earlier, and which will restore this country to the superiority that it has had in industrial practices and in international business.

The gentleman from Pennsylvania [Mr. WALKER] has always felt that this is too heavy an intervention, that you just cut their taxes and reduce the amount of regulation, and they will automatically achieve the kind of efficiencies that they should have. They do not automatically achieve it. We have seen that through years of experience. This program makes the government a partner with business that needs the help, that needs the small amount of capital infusion which is shared.

I urge that Members support the Mollohan amendment and keep this an open situation.

Mr. MOLLOHAN. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from California [Mr. MINETA].

The CHAIRMAN. The gentleman from California [Mr. MINETA] is recognized for 2 minutes.

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

Mr. MINETA. Mr. Chairman, I rise in strong support of the Mollohan amendment.

The Advanced Technology Program is a common-sense program that funds precompetitive research and technology. Federal investment is necessary so that industry and universities can eventually reach a point where it makes sense to proceed on their own with certain long-range technologies.

This foresight promises to pay tremendous dividends in the form of new economic opportunities and next generation technologies that bring a higher quality of life into our homes.

The ATP is based on the basic principle that public policy should be determined by a vision that extends further than the next election. It is a program based on the knowledge that some important research will not get done without public involvement because the research is too costly or too long term to fit into next quarter's bottom line.

I support this amendment because it would give NIST the flexibility it needs to complete its funding of existing Advanced Technology Program contracts.

Companies, consortia, and universities around the Nation have expended millions of dollars and focused vast resources in keeping to their half of the Advanced Technology Program agreement. Now they are counting on the Government to do its part.

Mr. Chairman, let me be clear. We are not talking about whether or not future ATP grants should be made. We are not discussing how much money should be spent in future years. The rules does not allow those debates.

Rather, this amendment simply gives NIST the minimum amount of flexibility necessary to finish its assigned job—a job by the way, that Congress ordered it to perform just last year.

Mr. Chairman, it is bad enough that through this legislation the majority is attempting to eliminate the ATP, one of the most effective long-term research and technology policies currently employed by the Federal Government.

What is inconceivable, and what this amendment would strike, is language that would virtually prohibit NIST from fulfilling its existing legal obligations.

I urge my colleagues to act responsibly and to support the Mollohan amendment.

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

Mr. Chairman, if you want to vote to end corporate welfare, vote ''no'' on the Mollohan amendment.

Mrs. MORELLA. Mr. Chairman, I rise in support of the gentleman from West Virginia's amendment.

The Advanced Technology Program is administered by the National Institute of Standards and Technology, headquartered in my congressional district. I have been, and continue to be, a supporter of the ATP.

I believe the ATP is a program with merit in fostering emerging, precompetitive technologies. I have been informed by industry of its effectiveness in promoting their new technologies.

Although I strongly support the Appropriations Committee's recommendation to utilize $180 million in unobligated funds for the continuation of ATP awards, I am supporting the gentleman's amendment because it would allow NIST greater flexibility in the spending of its unobligated balance of funds. NIST has requested this flexibility and I believe it will be useful to administering the program as Congress continues to debate the health and future of the ATP.

Mrs. KENNELLY. Mr. Chairman, I rise in support of the Mollohan amendment to restore funding for the Advanced Technology Program.

I come from a State that has been hardhit by defense downsizing. Rebuilding our economy is a slow process, but today, we have a growing high-technology sector, which means more jobs and stronger businesses.

If we cancel the ATP program, that growth will stop dead in its tracks. To Connecticut, that means higher unemployment and a weaker economy.

Some people say ATP helps only big corporations. But tell that to the small high-technology businesses in my district, who employ 5 or 10 people, and who depend upon ATP for their very existence. Cut ATP, and you cut jobs. Cut ATP, and you kill promising technologies that strengthen our economy.

In Connecticut and in States across the country, ATP creates jobs, increases exports, and gives taxpayers a huge return on their investment. That's not picking winners and losers—that's making winners out of all of us.

I urge my colleagues to support small business, support technology R&D, and support new jobs. Support the ATP program.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia [Mr. MOLLOHAN].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MOLLOHAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from West Virginia [Mr. MOLLOHAN] will be postponed.

AMENDMENT OFFERED BY MR. ENGEL

Mr. ENGEL. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. ENGEL: Page 41, insert the following after line 6:

ENDOWMENT FOR CHILDREN'S EDUCATIONAL TELEVISION

For expenses necessary to carry out the provisions of the National Endowment for Children's Educational Television Act of 1990, title II of Public Law 101–437, including costs for contracts, grants, and administrative expenses, $2,000,000, to remain available as provided in section 394 (h) of the Communications Act of 1934.

Page 40, line 4 strike ''$135,000,000'' and insert ''$133,000,000''.

Mr. ENGEL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. ROGERS. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Kentucky reserves a point of order.

Mr. ROGERS. 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. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The gentleman from New York [Mr. ENGEL] will be recognized for 5 minutes in support of the amendment, and the gentleman from Kentucky [Mr. ROGERS] will be recognized for 5 minutes in opposition to the amendment.

The Chair recognizes the gentleman from New York [Mr. ENGEL].

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

Mr. Chairman, this amendment represents a minor shift of funds from the periodic censuses and programs into the National Endowment for Children's Educational Television. This amendment is important not just for what it does but for what it represents. Throughout this appropriations process, I have witnessed many programs which I support lose funding partially or in many cases completely. I feel that I cannot stand idly by as another successful program falls victim to the budget axe.

The National Endowment for Children's Educational Programs last year was funded at $2.5 million. Under the proposal, it is zeroed out. Mr. Chairman, funding in the previous fiscal year for the National Endowment for Children's Educational Television was funded at $2.5 million in this year's proposed appropriation, wiped out, funded at zero.

I am proposing to fund it at $2 million which would represent a 20-percent cut over the funding last year because I understand that many programs are taking cuts because of budgetary constraints. But I do not think that the National Endowment for children's Educational Television, which has been so successful, ought to be zeroed out.

Next week we are going to begin debate on Labor HHS appropriations, and we are going to cut back a lot of funds for education. Right now we have before us the Endowment for Children's Educational Television, which in my opinion is a very worthwhile program, which will fall victim to shortsighted cuts.

Now, the National Endowment for Children's Educational Television is the only Federal setaside dedicated exclusively to the funding of educational programming for children. I am the father of three children. Many of us have children and grandchildren. We realize how important it is to have children's educational television. The endowment is a worthwhile investment in our children's education. Projects which have been funded by the endowment include Storytime and Ghostwriter, reading and literacy programs which are aired daily on PBS.

Public broadcasting programs focus not only on reading, literacy and math but on productive social behavior, cultural tolerance, ethics and values. Unfortunately, the funding resources, the Endowment for Children's Educational Television, from corporate foundation and governmental institutions remains low. While most of this money is raised through corporations and foundations, Federal funds remain a small but crucial portion of their budget. This is a public/private partnership that works. Why would we want to kill it?

Ending it will only hurt the children who rely on educational programming.

Again, as the father of three small children, I appreciate the value of this programming, and I am sure most parents do. At a time when we are all concerned about the amount of violence our children are seeing on television, on commercial television, I find it hard to believe that we would forgo the opportunity to provide wholesome programming for the youth of the country. By the time a child in the United States reaches the age of 18, he or she

will have spent nearly 13,000 hours in school. By contrast, that child will have spent roughly 15,000 to 20,000 hours watching television.

The National Endowment for Children's Educational Television does its own small part to ensure that these children have the option of quality programming. Two million dollars is certainly money well spent for this very worthwhile programming. Public polls have shown that people across the country do support public broadcasting, particularly when we are talking about children's educational television. So, my colleagues, I cannot think of anything worse to zero out, worse than to cut this very, very worthwhile program.

I am proposing that we reinstate $2 million which by budgetary standards is a very, very small amount of money to aid our children's future. Again, under my amendment, the National Endowment for Children's Educational Television would still take a 20-percent cut but would not be zeroed out.

I urge my colleagues to support this. It is very, very important. Please save public broadcasting and let us send a message that funding for children's educational television should not be eliminated.

□ 1945

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Kentucky [Mr. ROGERS] insist on his point of order?

Mr. ROGERS. Mr. Chairman, I do. I make a point of order against the amendment because it provides an appropriation for an unauthorized program and therefore violates clause 2 of rule XXI, which states, in its pertinent part ''No appropriation shall be reported in any general appropriations bill, or be in order as an amendment thereto for any expenditure not previously authorized by law.''

Mr. Chairman, the authorization for this program has not been signed into law. The amendment therefore violates clause 2 of rule XXI. I ask for a ruling of the Chair.

The CHAIRMAN. Does the gentleman from New York [Mr. ENGEL] wish to be heard on the point of order?

Mr. ENGEL. I certainly do, Mr. Chairman. Mr. Chairman, I would respectfully disagree. I would say that this has been authorized in every single budget, and I see no reason why it should not be authorized in this budget. I would respectfully disagree.

The CHAIRMAN. Does anyone else wish to be heard on the point of order? Based on the information the Chair has, the Chair is willing to rule at this point in time.

Pursuant to Public Law 102–538, section 132, there is no authorization for the program beyond fiscal 1994 that has been called to the Chair's attention. The point of order has to be sustained at this time.

AMENDMENT OFFERED BY MR. ENGEL

Mr. ENGEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ENGEL: Page 40, line 24, strike ''$19,000,000'' and insert ''$21,000,000''.

Page 40, line 4, strike ''$135,000,000'' and insert ''$133,000,000''.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 5 minutes, and that time be equally divided.

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

Mr. ENGEL. Reserving the right to object, Mr. Chairman, would this be on all subsequent amendments to the bill?

The CHAIRMAN. To this amendment and to all amendments thereto.

Mr. ROGERS. That is correct, Mr. Chairman.

The CHAIRMAN. To this amendment and all amendments thereto.

Mr. ENGEL. Five minutes on each side?

The CHAIRMAN. Five minutes total. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The gentleman from New York [Mr. ENGEL] will be recognized for 2½ minutes, and the gentleman from Kentucky [Mr. ROGERS] will be recognized for 2½ minutes.

The Chair recognizes the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, I yield myself such item as I may consume.

Mr. Chairman, since my previous amendment was not allowed to be put forward to a vote, this amendment represents, again, a modest shift of funds from periodic censuses and programs to the program for public broadcasting facilities, planning, and construction. Public broadcasting facilities, planning, a construction have been cut severely in this budget. Again, if Members support public broadcasting, then this is an amendment that ought to be supported.

By voting for this amendment, Mr. Chairman, we will send a message that funding for children's educational television should not be eliminated. We will increase funding for public broadcasting facilities across the country. We will support funding for long distance video learning, specialized equipment for services for the hearing impaired, and we will send and give a reliable public broadcasting signal for 25 million Americans.

There has been a battle in this Congress to end public broadcasting. I happen to think that is a very misguided battle. Public broadcasting is the best example, as I mentioned before, of a public-private partnership that works. For every $1 that public funds are put into public broadcasting, they are able to generate $5 and $6 of money from corporations and from the private sector. We should be, in my opinion, increasing public broadcasting, not cutting it back. If we increase by only $2 million, again, a small amount considering the magnitude of this budget, for public broadcasting facilities, planning, and construction, we will be sending a message that we want and support public broadcasting and that public broadcasting ought to continue.

I say to all my colleagues who have come up to me and have expressed strong support on both sides of the aisle for public broadcasting, by voting this amendment they are sending a message, sending a message to their folks back home, to their constituents, to their colleagues, that they support public broadcasting. By putting the money into public broadcasting facilities, planning, and construction, we will continue to have the finest public radio and television anywhere in the world.

Mr. Chairman, I believe that the cuts in public broadcasting are representative of the poor judgment we have used in this process to cut worthwhile programs indiscriminately. What I do is take a small step in the right direction. Again, the funding which is provided for these facilities through corporate, foundation, and governmental resources remains low. Why, again, would we want to break something that works? Please support the amendment and save public broadcasting.

Mr. ROGERS. Mr. Chairman, I rise in opposition to this amendment. The gentleman increases funds for the Public Broadcasting Facilities Program by $2 million. The funds in this bill for PBFP are already $11 million above the request. There were Members on my side of the aisle who had planned to offer amendments to eliminate the program altogether. The gentleman's amendment would target funds toward grants for television programs for children, a very worthy goal, but this is not a program that belongs in this bill. It is not authorized.

I suggest the gentleman talk to the chairman of the subcommittee, the gentleman from Texas [Mr. FIELDS]. This amendment cuts funds from the Census Bureau, as that agency prepares for the year 2000 census. My bill already cuts the Census Bureau by $67 million. Mr. Chairman, I urge a ''no'' vote on the Engel amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. ENGEL].

The question was taken; and the chairman announced that the noes appeared have it.

Mr. ENGEL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from New York [Mr. ENGEL] will be postponed.

Are there other amendments to title II?

The Clerk will designate title III.

The text of title III is as follows:

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $25,834,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $3,313,000, of which $500,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $14,070,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, $10,859,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $2,411,024,000 (including the purchase of firearms and ammunition); of which not to exceed $14,454,000 shall remain available until expended for space alteration projects; of which not to exceed $11,000,000 shall remain available until expended for furniture and furnishings related to new space alteration and construction projects; and of which $500,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other legal reference materials, including subscriptions.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $2,318,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

VIOLENT CRIME REDUCTION PROGRAMS

For activities of the Federal Judiciary as authorized by law, $41,500,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as authorized by section 190001(a) of Public Law 103–322.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations, the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended, the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act (18 U.S.C. 3006A(e)), the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel, the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences, and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d), $260,000,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i): *Provided*, That none of the funds provided in this Act shall be available for Death Penalty Resource Centers or Post-Conviction Defender Organizations.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)); $59,028,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702); $109,724,000, to be expended directly or transferred to the United States Marshals Service which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $47,500,000, of which not to exceed $7,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $18,828,000; of which $1,800,000 shall remain available through September 30, 1997, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $24,000,000, to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $7,000,000, and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $1,900,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $8,500,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Appropriations made in this title shall be available for salaries and expenses of the Special Court established under the Regional Rail Reorganization Act of 1973, Public Law 93–236.

SEC. 303. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 304. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed $10,000 and shall be administered by the Director of the Administrative Office of the United States Courts in his capacity as Secretary of the Judicial Conference.

This title may be cited as ''The Judiciary Appropriations Act, 1996''.

The CHAIRMAN. Are there amendments to title III?

AMENDMENT OFFERED BY MR. PORTMAN

Mr. PORTMAN. 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. PORTMAN: Page 51, line 4, strike ''$2,411,024,000'' and insert ''$2,409,024,000''.

Page 51, line 6, strike ''$14,454,000'' and insert ''$13,454,000''.

Page 51, line 8, strike ''$11,000,000'' and insert ''$10,000,000''.

Mr. PORTMAN. Mr. Chairman, the amendment I offer today is modest in amount, but it is significant in message. It cuts $2 million for space alteration expenses and related furnishing expenses for the U.S. Court of Appeals, district courts, and the bankruptcy courts. The purpose of this amendment is to send a strong signal to the judiciary that it must revise its court design guide. That design guide contains specifications for courthouses and office space that drives up the costs of relocation and furnishings at taxpayer expense.

It just does not make sense, for example, to require courts to make whatever structural changes have to be

made to attain a mandated ceiling height of 16 feet, to use premium grade hardwood veneer paneling, premium grade hardwood veneer door solid core doors, hardwood door jambs, and the highest quality paint, at a time when the legislative branch, the executive branch, and folks back home are reducing spending in their operations in an effort to set an example and to help balance the budget. The judiciary must be subject to the same scrutiny.

The need for this amendment is particularly acute because in this bill before us there is actually an increase in these items over the appropriated amount for fiscal 1995. Clearly we are moving in the wrong direction here. This just does not make sense in light of our fiscal crisis. I understand the need for the courts to appear judicial, but these one-size-fits-all standards from this guide add huge costs to the alteration of courts and office space, huge costs we simply cannot afford.

More specifically, the amendment before us would simply reduce the funding that remains available for space alteration projects from about $14 million to about $13 million, and for furnishings from $11 million to $10 million. The court design guide, prepared under the direction of the Judicial Conference of the United States, is used by architects, engineers, contractors, and court administrators when renovating existing courthouses and office space. The guide was developed over a 3-year period and instituted in 1991.

Again, I understand the need for courtrooms to meet some standards, but I do not believe it is necessary for them to follow these kinds of strict specifications at taxpayer expense. I can tell the Members from firsthand experience that the design guide does increase costs. In my district, the U.S. bankruptcy court recently moved from the Federal courthouse into private office space at a significant cost to the taxpayer. I have been told that there is Federal office space available, but because it did not meet the specs in the design guide it could not be used. The private office lease that the court did sign required significant renovation and complete furnishing of this space as dictated by the design guide.

I had hoped this was an isolated incident, but having looked into it, I found it not only occurred in other places in our State of Ohio, but also other parts of the country. In fairness, let me make it clear that the judiciary has made some progress recently in revising the design guide. Over the past few years a conscious effort has been made to try to keep costs in mind and make these guidelines more flexible. I applaud that effort, but it has not gone far enough.

The current court design guide continues to require all those things that I mentioned, in addition to premium grade hardwood decorative moldings, and so on. These result in unnecessary and wasteful Federal expenditures. It is time for us in Congress to call for real reform. That is what this amendment does. In light of our debt, the judiciary must be as cost conscious as everyone else. My amendment is a small but responsible cut.

It is a warning to the judiciary they must review the guidelines which are set forth by the design guide and make sensible changes. Many of our constituents who are tightening the belt back home are demanding it. They are incensed, and they should be.

I want to thank the chairman, the gentleman from Kentucky, and the committee for working with us, and I want to ask my colleagues to join the National Taxpayers Union and Citizens Against Government Waste in supporting this amendment.

Mr. Chairman, I yield to my colleague and friend, the gentleman from Ohio [Mr. CHABOT].

Mr. CHABOT. Mr. Chairman, I would like to compliment my good friend and neighbor, the gentleman from Ohio, Mr. PORTMAN, for his outstanding work in saving taxpayer dollars in this area. This amendment will send a strong message to the Federal courts: We are serious about bringing wasteful Federal spending under control. This $2 million start is a very good first step.

What is this $2 million all about? Unfortunately, courts around the country have failed to grasp the seriousness of our current budget crisis. At a time when every newborn child is already saddled with a bill of $187,000 just to pay the interest on the national debt, many courts have been moving into high rent buildings that dramatically increase the cost to taxpayers. In several areas, including our city of Cincinnati, the bankruptcy courts have moved into luxurious downtown buildings with rents that range from $900,000 to $1.5 million per year.

WCPO TV, Channel 9 in Cincinnati, should receive credit for focusing attention on this particular abuse of taxpayer dollars regarding the Cincinnati Bankruptcy Court. Further investigation has shown that this is not an isolated incident. Bankruptcy courts across the country have limited their relocation options by requiring such amenities as 16-foot-high ceilings and cultured marble sinks, and judges' chambers equipped with bathrooms, showers, and kitchenettes.

In other instances, court specifications are so rigid that building is limited to just a handful of buildings, sometimes only one building. As we all know, when we limit competition, it costs more. We should pass the Portman amendment. I strongly support it.

Mr. ROGERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me say that we accept the amendment. The gentleman has brought a very important matter to the attention of the Congress for which we are very grateful, and we accept the amendment and think it is a good one. We urge its adoption.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the requisite number of words, and I have no objection, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. PORTMAN].

The amendment was agreed to.

The CHAIRMAN. Are there other amendments to title III?

The Clerk will designate title IV.

The text of Title IV is as follows:

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including expenses authorized by the State Department Basic Authorities Act of 1956, as amended; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; acquisition by exchange or purchase of passenger motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C. 481(c) and 22 U.S.C. 2674; and for expenses of general administration $1,716,878,000: *Provided*, That starting in fiscal year 1997, a system shall be in place that allocates to each department and agency the full cost of its presence outside of the United States.

Of the funds provided under this heading, $24,856,000 shall be available only for the Diplomatic Telecommunications Service for operation of existing base services and not to exceed $17,144,000 shall be available only for the enhancement of the Diplomatic Telecommunications Service (DTS), except that such latter amount shall not be available for obligation until the expiration of the 15-day period beginning on the date on which the Secretary of State and the Director of the Diplomatic Telecommunications Service Program Office submit the DTS pilot program report required by section 507 of Public Law 103–317.

In addition, not to exceed $700,000 in registration fees collected pursuant to section 38 of the Arms Export Control Act, as amended, may be used in accordance with section 45 of the State Department Basic Authorities Act of 1956, 22 U.S.C. 2717; and in addition not to exceed $1,223,000 shall be derived from fees from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act (Public Law 90–553, as amended by section 120 of Public Law 101–246); and in addition not to exceed $15,000 which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with section 46 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2718(a)).

Notwithstanding section 402 of this Act, not to exceed 20 percent of the amounts made available in this Act in the appropriation accounts, ''Diplomatic and Consular Programs'' and ''Salaries and Expenses'' under the heading ''Administration of Foreign Affairs'' may be transferred between such appropriation accounts: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

For an additional amount for security enhancement, to counter the threat of terrorism, $9,720,000, to remain available until expended.

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of State and the Foreign Service, provided for by law, including expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and the State Department Basic Authorities Act of 1956, as amended, $363,276,000.

For an additional amount for security enhancements to counter the threat of terrorism, $1,870,000, to remain available until expended.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $16,400,000, to remain available until expended, as authorized in Public Law 103–236: *Provided,* That section 135(e) of Public Law 103–236 shall not apply to funds appropriated under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), $27,669,000: *Provided,* That notwithstanding any other provision of law, (1) the Office of the Inspector General of the United States Information Agency is hereby merged with the Office of the Inspector General of the Department of State; (2) the functions exercised and assigned to the Office of the Inspector General of the United States Information Agency before the effective date of this Act (including all related functions) are transferred to the Office of the Inspector General of the Department of State; and (3) the Inspector General of the Department of State shall also serve as the Inspector General of the United States Information Agency.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), $4,780,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and 3 U.S.C. 208, $8,579,000.

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–300), and the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), $391,760,000, to remain available until expended as authorized by 22 U.S.C. 2696(c): *Provided,* That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3526(e), $6,000,000, to remain available until expended as authorized by 22 U.S.C. 2696(c), of which not to exceed $1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $593,000, as authorized by 22 U.S.C. 2671: *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. In addition, for administrative expenses necessary to carry out the direct loan program, $183,000 which may be transferred to and merged with the Salaries and Expenses account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8 (93 Stat. 14), $15,165,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $125,402,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $870,000,000: *Provided,* That any payment of arrearages shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided further,* That 20 percent of the funds appropriated in this paragraph for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure until a certification is made under section 401(b) of Public Law 103–236 for fiscal year 1996: *Provided further,* That certification under section 401(b) of Public Law 103–236 for fiscal year 1996 may only be made if the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives are notified of the steps taken, and anticipated, to meet the requirements of section 401(b) of Public Law 103–236 at least 15 days in advance of the proposed certification: *Provided further,* That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $425,000,000: *Provided,* That none of the funds made available under this Act may be used, and shall not be available, for obligation or expenditure for any new or expanded United Nations peacekeeping mission unless, at least fifteen days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency, as far in advance as is practicable), (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate Committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further,* That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers.

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses authorized by section 5 of the State Department Basic Authorities Act of 1956, in addition to funds otherwise available for these purposes, contributions for the United States share of general expenses of international organizations and conferences and representation to such organizations and conferences as provided for by 22 U.S.C. 2656 and 2672 and personal services without regard to civil service and classification laws as authorized by 5 U.S.C. 5102, $3,000,000, to remain available until expended as authorized by 22 U.S.C. 2696(c), of which not to exceed $200,000 may be expended for representation as authorized by 22 U.S.C. 4085.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $12,358,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $6,644,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182; $5,800,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $14,669,000: *Provided,* That the United States' share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101–246, $10,000,000 to remain available until expended as authorized by 22 U.S.C. 2696(c).

GENERAL PROVISIONS—DEPARTMENT OF STATE

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of 5 U.S.C.; for services as authorized by 5 U.S.C. 3109; and

hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided,* That not to exceed 5 percent of any appropriation made available for the current fiscal year for the United States Information Agency in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided further,* That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. Funds appropriated or otherwise made available under this Act or any other Act may be expended for compensation of the United States Commissioner of the International Boundary Commission, United States and Canada, only for actual hours worked by such Commissioner.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses not otherwise provided, for arms control, nonproliferation, and disarmament activities, $40,000,000, of which not to exceed $50,000 shall be for official reception and representation expenses as authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.).

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.) and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), to carry out international communication, educational and cultural activities; and to carry out related activities authorized by law, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by 22 U.S.C. 1471, and entertainment, including official receptions, within the United States, not to exceed $25,000 as authorized by 22 U.S.C. 1474(3); $445,645,000: *Provided,* That not to exceed $1,400,000 may be used for representation abroad as authorized by 22 U.S.C. 1452 and 4085: *Provided further,* That not to exceed $7,615,000 to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, library, motion pictures, and publication programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948, as amended: *Provided further,* That not to exceed $1,700,000 to remain available until expended may be used to carry out projects involving security construction and related improvements for agency facilities not physically located together with Department of State facilities abroad.

TECHNOLOGY FUND

For expenses necessary to enable the United States Information Agency to provide for the procurement of information technology improvements, as authorized by the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), $5,050,000, to remain available until expended.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), $192,090,000, to remain available until expended as authorized by 22 U.S.C. 2455.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–05), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 1996, to remain available until expended: *Provided,* That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 1996, to remain available until expended.

AMERICAN STUDIES COLLECTIONS ENDOWMENT FUND

For necessary expenses of American Studies Collections as authorized by section 235 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, all interest and earnings accruing to the American Studies Collections Endowment Fund on or before September 30, 1996, to remain available until expended.

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the United States Information Agency, as authorized by the United States Information and Educational Exchange Act of 1948, as amended, the Radio Broadcasting to Cuba Act, as amended, the Television Broadcasting to Cuba Act, the United States International Broadcasting Act of 1994, as amended, and Reorganization Plan No. 2 of 1977, to carry out international communication activities; $341,000,000, of which $5,000,000 shall remain available until expended, not to exceed $16,000 may be used for official receptions within the United States as authorized by 22 U.S.C. 1474(3), not to exceed $35,000 may be used for representation abroad as authorized by 22 U.S.C. 1452 and 4085, and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, not to exceed $250,000 from fees as authorized by section 810 of the United States Information and Educational Exchange Act of 1948, as amended, to remain available until expended for carrying out authorized purposes: *Provided,* That funds provided for broadcasting to Cuba may be used for the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception.

RADIO CONSTRUCTION

For an additional amount for the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio and television transmission and reception as authorized by 22 U.S.C. 1471, $70,164,000, to remain available until expended as authorized by 22 U.S.C. 1477b(a).

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $28,000,000, to remain available until expended.

This title may be cited as the ''Department of State and Related Agencies Appropriations Act, 1996''.

The CHAIRMAN. Are there amendments to title IV?

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of New Jersey: Page 72, line 20, strike ''$28,000,000'' and insert ''$30,000,000''.

Mr. SMITH of New Jersey. Mr. Chairman, this amendment restores a relatively small amount of funding for the National Endowment for Democracy. I happen to serve as the chairman of the authorizing subcommittee. We have had extensive hearings on this. It is one of the most effective uses of our foreign aid dollars. I think we can all be very proud that Harry Wu and his Laogai Institute have been funded by NED, and it is just one example of many where we have provided scarce resources for an effective pro-democracy building effort around the world.

For this program we had authorized, let me remind Members, $34 million in the House-passed bill. The appropriators came in at $28 million. In working with the chairman, we have been able to find a compromise at $30 million. I think that $2 million additional is a very modest amount that will be used very effectively.

I also wish to commend Mr. RICHARDSON for his amendment—for which I understand there may not be time this evening—which would have added $500,000 to NED for pro-freedom and pro-democracy programs in Burma. These programs are urgently needed, and NED is just the institution to support them. I urge NED to provide substantial funding for these projects, on at least the scale suggested by the Richardson amendment.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the gentleman has worked very hard on this issue, and has convinced certainly this Member that this is a worthwhile amendment, so we accept the amendment from our side and urge its adoption.

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for his kind words.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, we accept the amendment.

Mr. RICHARDSON. Mr. Chairman, after the military seized power of Burma in 1988, Aung San Suu Kyi became leader of the opposition pro-democracy movement.

She was placed under house arrest by Burma's military junta the State Law and Order Restoration Council or SLORC on July 20, 1989, on allegations of inciting unrest. Her party, the National League for Democracy, won a landslide victory in 1990 general elections, but the military refused to honor the results.

Referred to reverently as "the Lady," she remained steadfastly committed to democracy even in detention. In 1991, she won the Nobel Peace Prize.

On July 10 the government, which had indicated it did not plan to release Suu Kyi when she completed her sentence on July 19, decided to lift the restriction order without conditions.

The release should mark the renewal of a genuine process of political reconciliation leading to the installation of a democratically elected government and restoring peace and stability in Burma.

I intended to offer an amendment to capitalize on this development by directing the NED to cultivate the struggling democratic movement in Burma.

Instead, I have gotten the assurance of Chairman ROGERS that NED will recognize the need to support the growing democratic movement in Burma and spend the sufficient amount of funds necessary to carry out this function.

Over 5 years of political suppression by the SLORC have left the infrastructure of democratic political activity extremely weak. It is important that approximately $500,000 of NED funding go directly to operations designed to nurture Burma's National League for Democracy at this critical time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. SMITH].

The amendment was agreed to.

□ 2000

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—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES

(LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies as authorized by the Merchant Marine Act, 1936, as amended, $162,610,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $64,600,000, to remain available until expended: *Provided,* That notwithstanding any other provision of law, the Secretary of Transportation may use proceeds derived from the sale or disposal of National Defense Reserve Fleet vessels that are currently collected and retained by the Maritime Administration, to be used for facility and ship maintenance, modernization and repair, conversion, acquisition of equipment, and fuel costs necessary to maintain training at the United States Merchant Marine Academy and State maritime academies: *Provided further,* That reimbursements may be made to this appropriation from receipts to the ''Federal Ship Financing Fund'' for administrative expenses in support of that program in addition to any amount heretofore appropriated.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by the Merchant Marine Act of 1936, $48,000,000, to remain available until expended: *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, as amended: *Provided further,* That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,000,000,000.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed $4,000,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: *Provided,* That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act, and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $206,000, as authorized by Public Law 99–83, section 1303.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $8,500,000: *Provided,* That not to exceed $50,000 may be used to employ consultants: *Provided further,* That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further,* That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the Chairperson who is permitted 125 billable days.

COMMISSION ON IMMIGRATION REFORM

SALARIES AND EXPENSES

For necessary expenses of the Commission on Immigration Reform pursuant to section 141(f) of the Immigration Act of 1990, $2,377,000, to remain available until expended.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $1,090,000, to remain available until expended as authorized by section 3 of Public Law 99–7.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); nonmonetary awards to private citizens; not to exceed $26,500,000, for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991; $233,000,000: *Provided,* That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–02; not to exceed $600,000 for land and structures; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed sixteen) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; $185,232,000, of which not to exceed $300,000 shall remain available until September 30, 1997, for research and policy studies: *Provided,* That $116,400,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1996 so as to result in a final fiscal year 1996 appropriation estimated at $68,832,000: *Provided further,* That any offsetting collections received in excess of $116,400,000 in fiscal year 1996 shall remain available until expended, but shall not be available for obligation until October 1, 1996.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act of 1936, as amended (46 App. U.S.C. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–02; $15,000,000: *Provided,* That not to exceed $2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses; $82,928,000: *Provided,* That notwithstanding any other provision of law, not to exceed $48,262,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further,* That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1996, so as to result in a final fiscal year 1996 appropriation from the General Fund estimated at not more than $34,666,000, to remain available until expended: *Provided further,* That any fees received in excess of $48,262,000 in fiscal year 1996 shall remain available until expended, but shall not be available for obligation until October 1, 1996: *Provided further,* That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242, 105 Stat. 2282–2285).

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

JAPAN-UNITED STATES FRIENDSHIP TRUST FUND

For expenses of the Japan-United States Friendship Commission as authorized by Public Law 94–118, as amended, from the interest earned on the Japan-United States Friendship Trust Fund, $1,247,000; and an amount of Japanese currency not to exceed the equivalent of $1,420,000 based on exchange rates at the time of payment of such amounts as authorized by Public Law 94–118.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $278,000,000 of which $265,000,000 is for basic field programs; $8,000,000 is for the Office of the Inspector General, of which $5,750,000 shall be used to contract with independent auditing agencies for annual financial and program audits of all grantees in accordance with Office of Management and Budget Circular A–133; and $5,000,000 is for management and administration.

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

SEC. 501. Funds appropriated under this Act to the Legal Services Corporation shall be distributed as follows:

(1) The Corporation shall define geographic areas and funds available for each geographic area shall be on a per capita basis pursuant to the number of poor people determined by the Bureau of the Census to be within that geographic area: *Provided,* That funds for a geographic area may be distributed by the Corporation to one or more persons or entities eligible for funding under section 1006(a)(1)(A) of the Legal Services Corporation Act, subject to sections 502 and 504 of this Act.

(2) The amount of the grants from the Corporation and of the contracts entered into by the Corporation in accordance with paragraph (1) shall be an equal figure per poor person for all geographic areas, based on the most recent decennial census of population conducted pursuant to section 141 of title 13, United States Code.

SEC. 502. None of the funds appropriated in this Act to the Legal Services Corporation shall be used by the Corporation in making grants or entering into contracts for the provision of legal assistance unless the Corporation ensures that the person or entity receiving funding to provide such legal assistance is—

(1) a private attorney or attorneys admitted to practice in one of the States or the District of Columbia;

(2) a qualified nonprofit organization chartered under the laws of one of the States or the District of Columbia, a purpose of which is furnishing legal assistance to eligible clients, the majority of the board of directors or other governing body of which is comprised of attorneys who are admitted to practice in one of the States or the District of Columbia and who are appointed to terms of office on such board or body by the governing bodies of State, county, or municipal bar associations the membership of which represents a majority of the attorneys practicing law in the locality in which the organization is to provide legal assistance;

(3) a State or local government (without regard to section 1006(a)(1)(A)(ii) of the Legal Services Corporation Act); or

(4) a substate regional planning or coordination agency which is composed of a substate area whose governing board is controlled by locally elected officials.

SEC. 503. None of the funds appropriated in this Act to the Legal Services Corporation for grants or contracts to basic field programs may be obligated unless such grants or contracts are awarded on a competitive basis: *Provided,* That not later than sixty days after enactment of this Act, the Legal Services Corporation shall promulgate regulations to implement a competitive selection process: *Provided further,* That such regulations shall include, but not be limited to, the following selection criteria:

(1) The demonstration of a full understanding of the basic legal needs of the eligible clients to be served and a demonstration of the capability of serving those needs.

(2) The quality, feasibility, and cost effectiveness of plans submitted by the applicant for the delivery of legal assistance to the eligible clients to be served.

(3) The experiences of the Corporation with the applicant, if the applicant has previously received financial assistance from the Corporation, including the applicant's record of past compliance with Corporation policies, practices, and restrictions:

Provided further, That, such regulations shall ensure that timely notice for the submission of applications for awards is published in periodicals of local and State bar associations and in at least one daily newspaper of general circulation in the area to be served by the person or entity receiving the award: *Provided further,* No person or entity that was previously awarded a grant or contract by the Legal Services Corporation for the provision of legal assistance may be given any preference in the competitive selection process: *Provided further,* That for the purposes of the funding provided in this Act, rights under sections 1007(a)(9) and 1011 of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(9) and 42 U.S.C. 2996j) shall not apply.

SEC. 504. None of the funds appropriated in this Act to the Legal Services Corporation may be used to provide financial assistance to any person or entity—

(1) that makes available any funds, personnel, or equipment for use in advocating or opposing any plan or proposal, or represents any party or participates in any other way in litigation, that is intended to or has the effect of altering, revising, or reapportioning a legislative, judicial, or elective district at any level of government, including influencing the timing or manner of the taking of a census;

(2) that attempts to influence the issuance, amendment, or revocation of any executive order, regulation, or similar promulgation by any Federal, State, or local agency;

(3) that attempts to influence any decision by a Federal, State, or local agency, except when legal assistance is provided by an employee of a grantee to an eligible client on a particular application, claim, or case, which directly involves the client's legal rights or responsibilities, and which does not involve the issuance, amendment, or revocation of any agency promulgation described in paragraph (2);

(4) that attempts to influence the passage or defeat of any legislation, constitutional amendment, referendum, initiative, or any similar procedure of the Congress of the United States, or by any State or local legislative body;

(5) that attempts to influence the conduct of oversight proceedings of the Corporation or any person or entity receiving financial assistance provided by the Corporation;

(6) that pays for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, administrative expenses, or related expenses, associated with an activity prohibited in paragraph (1), (2), (3), (4), or (5);

(7) that brings a class action suit against the Federal Government or any State or local government;

(8) that files a complaint or otherwise pursues litigation against a defendant, or engages in precomplaint settlement negotiations with a prospective defendant, unless—

(A) all plaintiffs have been specifically identified, by name, in any complaint filed for purposes of litigation; and

(B) a statement or statements of facts written in English and, if necessary, in a language which the plaintiffs understand, which enumerate the particular facts known to the plaintiffs on which the complaint is based, have been signed by the plaintiffs (including named plaintiffs in a class action), are kept on file by the person or entity provided financial assistance by the Corporation, and are made available to any Federal department or agency that is auditing the activities of the Corporation or of any recipient, and to any auditor receiving Federal funds to conduct such auditing, including any auditor or monitor of the Corporation:

Provided, That upon establishment of reasonable cause that an injunction is necessary to prevent probable, serious harm to such potential plaintiff, a court of competent jurisdiction may enjoin the disclosure of the identity of any potential plaintiff pending the outcome of such litigation or negotiations after notice and an opportunity for a hearing is provided to potential parties to the litigation or the negotiations: *Provided further,* That other parties shall have access to the statement of facts referred to in subparagraph (B) only through the discovery process after litigation has begun;

(9) unless, after January 1, 1996, and prior to the provision of financial assistance—

(A) the governing board of a person or entity receiving financial assistance provided by the Legal Services Corporation has set specific priorities in writing, pursuant to section 1007(a)(2)(C)(i) of the Legal Services Corporation Act, of the types of matters and cases to which the staff of the nonprofit organization shall devote its time and resources; and

(B) the staff of such person or entity receiving financial assistance provided by the

Legal Services Corporation has signed a written agreement not to undertake cases or matters other than in accordance with the specific priorities set by such governing board, except in emergency situations defined by such board and in accordance with such board's written procedures for such situations:

Provided, That the staff of such person or entity receiving financial assistance provided by the Legal Services Corporation shall provide to their respective governing board on a quarterly basis, and to the Corporation on an annual basis, all cases undertaken other than those in accordance with such priorities: *Provided further,* That not later than 30 days after enactment of this Act, the Corporation shall promulgate a suggested list of priorities which boards of directors may use in setting priorities under this paragraph;

(10) unless, prior to receiving financial assistance provided by the Legal Services Corporation, such person or entity agrees to maintain records of time spent on each case or matter with respect to which that person or entity is engaged in activities: *Provided,* That any non-Federal funds received by any person or entity provided financial assistance by the Corporation shall be accounted for and reported as receipts and disbursements separate and distinct from Corporation funds: *Provided further,* That such person or entity receiving financial assistance provided by the Corporation agrees (notwithstanding section 1009(d) of the Legal Services Corporation Act) to make such records described in this paragraph available to any Federal department, or agency or independent auditor receiving Federal funds to conduct an audit of the activities of the Corporation or recipient receiving funding under this Act;

(11) that provides legal assistance for or on behalf of any alien, unless the alien is present in the United States and is—

(A) an alien lawfully admitted for permanent residence as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20));

(B) an alien who is either married to a United States citizen or is a parent or an unmarried child under the age of twenty-one years of such a citizen and who has filed an application for adjustment of status to permanent resident under the Immigration and Nationality Act, and such application has not been rejected;

(C) an alien who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157, relating to refugee admission) or who has been granted asylum by the Attorney General under such Act;

(D) an alien who is lawfully present in the United States as a result of the Attorney General's withholding of deportation pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h)); or

(E) an alien to whom section 305 of the Immigration Reform and Control Act of 1986 applies but only to the extent that the legal assistance provided is that described in such section:

Provided, That an alien who is lawfully present in the United States as a result of being granted conditional entry pursuant to section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(7)) before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political calamity shall be deemed, for purposes of this section, to be an alien described in subparagraph (C);

(12) that supports or conducts training programs for the purpose of advocating particular public policies or encouraging political activities, labor or anti-labor activities, boycotts, picketing, strikes, and demonstrations, including the dissemination of information about such policies or activities, except that this paragraph shall not be construed to prohibit the training of attorneys or paralegal personnel to prepare them to provide adequate legal assistance to eligible clients or to advise any eligible client as to the nature of the legislative process or inform any eligible client of his or her rights under statute, order, or regulation;

(13) that provides legal assistance with respect to any fee-generating case: *Provided,* That for the purposes of this paragraph the term ''fee-generating case'' means any case which, if undertaken on behalf of an eligible client by an attorney in private practice may reasonably be expected to result in a fee for legal services from an award to a client from public funds, from the opposing party, or from any other source;

(14) that claims, or whose employees or clients claim, or collect attorneys' fees from nongovernmental parties to litigation initiated by such client with the assistance of such recipient or its employees;

(15) that participates in any litigation with respect to abortion;

(16) that participates in any litigation on behalf of a local, State, or Federal prisoner;

(17) that provides legal representation for any person, or participates in any other way, in litigation, lobbying, or rulemaking involving efforts to reform a State or Federal welfare system, except that this paragraph shall not preclude a recipient from representing an individual client who is seeking specific relief from a welfare agency where such relief does not involve an effort to amend or otherwise challenge existing law;

(18) that defends a person in a proceeding to evict that person from a public housing project if that person has been charged with the illegal sale or distribution of a controlled substance and if the eviction proceeding is brought by a public housing agency because the illegal drug activity of that person threatens the health or safety of other tenants residing in the public housing project or employees of the public housing agency: *Provided,* That for the purposes of this paragraph, the term ''controlled substance'' has the meaning given that term in section 102 of the Controlled Substances Act (21 U.S.C. 802): *Provided further,* That for the purposes of this paragraph, the terms ''public housing project'' and ''public housing agency'' have the meanings given those terms in section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a);

(19) unless such person or entity agrees that it and its employees will not accept employment resulting from in-person unsolicited advice to a nonattorney that such nonattorney should obtain counsel or take legal action: *Provided,* That such person or entity or its employees receiving financial assistance provided by the Corporation shall also agree that such person or entity will not refer such nonattorney to another person or entity or its employees that are receiving financial assistance provided by the Legal Services Corporation; or

(20) unless such person or entity enters into a contractual agreement to be subject to all provisions of Federal law relating to the proper use of Federal funds, the violation of which shall render any grant or contractual agreement to provide funding null and void: *Provided,* That for such purposes the Corporation shall be considered to be a Federal agency and all funds provided by the Corporation shall be considered to be Federal funds provided by grant or contract.

SEC. 505. None of the funds appropriated in this Act to the Legal Services Corporation or provided by the Corporation to any entity or person may be used to pay membership dues to any private or non-profit organization.

SEC. 506. None of the funds appropriated in this Act to the Legal Services Corporation may be used by any person or entity receiving financial assistance from the Corporation to file or pursue a lawsuit against the Corporation.

SEC. 507. None of the funds appropriated in this Act to the Legal Services Corporation may be used for any purpose prohibited or contrary to any of the provisions of authorization legislation for fiscal year 1996 for the Legal Services Corporation that is enacted into law: *Provided,* That, upon enactment of Legal Services Corporation reauthorization legislation, funding provided in this Act shall from that date be subject to the provisions of that legislation and any provisions in this Act that are inconsistent with that legislation shall no longer have effect.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, as amended, $1,000,000.

MARTIN LUTHER KING, JR. FEDERAL HOLIDAY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Martin Luther King, Jr. Federal Holiday Commission, as authorized by Public Law 98–399, as amended, $250,000.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $103,445,000, of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions, and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (i) such incidental expenses as meals taken in the course of such attendance, (ii) any travel or transportation to or from such meetings, and (iii) any other related lodging or subsistence: *Provided,* That immediately upon enactment of this Act, the rate of fees under section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) shall increase from one-fiftieth of 1 per centum to one twenty-ninth of 1 per centum and such increase shall be deposited as an offsetting collection to this appropriation, to remain available until expended, to recover costs of services of the securities registration process.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 103–403, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $217,947,000: *Provided*

further, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: *Provided further,* That notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11 as amended by Public Law 100–504), $8,750,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, $5,000,000, and for the cost of guaranteed loans, $146,710,000, as authorized by 15 U.S.C. 631 note, of which $1,700,000, to be available until expended, shall be for the Microloan Guarantee Program, and of which $40,510,000 shall remain available until September 30, 1997: *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.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $97,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, $34,432,000, to remain available until expended: *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.

In addition, for administrative expenses to carry out the direct loan program, $78,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the ''Surety Bond Guarantees Revolving Fund'', authorized by the Small Business Investment Act, as amended, $2,530,000, to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

SEC. 501. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided,* That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

The CHAIRMAN. Are there amendments to title V?

Mr. GILMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in title IV, I wish to engage in a brief colloquy with the distinguished chairman of the subcommittee.

The bill before us provides for the merger of the inspector general's office of the U.S. Information Agency with the inspector general's office of the Department of State and the Arms Control and Disarmament Agency.

As the chairman of the committee knows, H.R. 1561 preserves for extensive reorganization the foreign affairs agencies of the U.S. Government, including the very merger called for in this bill, and during the course of our work, we discovered an anomaly in the interpretation of the civil service laws under which individuals working in the acquired agency in a merger lost all of their protection under the civil service laws, if, and only if, the work they were doing was deemed identical in function with some kind of work being done in the agencies into which they were merged.

Our Committee on International Relations decided this was inappropriate under the circumstances and specifically legislated against the interpretation in section 510 of H.R. 1561, which was passed by the House on June 8. Our decision was based on the view that all individuals other than those appointed by the President with the advice and consent of the Senate who are on the day before the merger employed at agencies to be merged should be considered for assignment in the merged agency and judged in the case of adverse personnel actions based on generally applicable merit procedures. They should certainly not lose their jobs over the arbitrary question of which agency was merged into which.

Would the chairman, therefore, agree that the rule we decided on would be appropriate in the circumstances, and would he be willing to undertake to clarify if necessary, in statutory language, that this would be the case should this provision be accepted by the other body?

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, we are willing to accept the suggestion of the gentleman on this organizational issue that the authorizing committee has addressed in its legislation. It is our hope that the solution would be worked out in the context of the authorization bill, but if it is not, we would attempt to work it out in conference on the appropriations bill.

I thank the gentleman for bringing this to our attention.

Mr. GILMAN. I thank the distinguished chairman for his clarification.

The CHAIRMAN. Are there amendments to title V?

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just take a very brief moment to enter into a colloquy with the distinguished chairman, the gentleman from Kentucky [Mr. ROGERS].

I had intended on offering an amendment to restore funds to the authorized level for the Radio Free Asia. Just a few days ago we voted on the Bereuter amendment, which reaffirmed our collective commitment to Radio Free Asia. The subcommittee looked at this, I know, and came to the conclusion that the money available plus the $5 million that is included in this bill would be sufficient because there is not an expectation that Radio Free Asia will be up and running soon. I hope that is an error, that it gets up and running sooner rather than later.

Should Radio Free Asia get off and running as we hope, I would just hope the chairman and ranking member would work with us to insure sufficient money would be available.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Kentucky.

Mr. ROGERS. I appreciate the gentleman's concern. He has been very avid in his support of Radio Free Asia and has worked very actively with this Member and with our subcommittee. We certainly would consider a reprogramming request at a later time if there is need for it and will try to work with the gentleman to satisfy his concerns.

As the gentleman knows, there is $5 million in this bill for Radio Free Asia. There is $5 million in additional carryover funds expected to be available in fiscal year 1996. They have not yet appointed the board for the broadcasting system, but if at the time there is a need, we can look at reprogramming funds. I assure you we will discuss that with you further.

Mr. SMITH of New Jersey. I appreciate that.

The CHAIRMAN. Are there amendments to title V? If not, the Clerk will designate title VI. The text of title VI is as follows:

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. 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. 603. 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. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1996, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which (1) creates new programs; (2) eliminates a program, project, or activity, (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes

offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1996, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—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) NOTICE REQUIREMENT.—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. 608. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

The CHAIRMAN. Are there amendments to title VI?

AMENDMENT OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Chairman, I offer an amendment, amendment No. 2.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GILMAN: At the appropriate place, insert the following:

SEC. . LIMITATION ON THE USE OF FUNDS FOR DIPLOMATIC FACILITIES IN VIETNAM

None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay for any cost incurred for (1) opening or operating any United States diplomatic or consular post in the Socialist Republic of Vietnam that was not operating on July 11, 1995; (2) expanding any United States diplomatic or consular post in the Social Republic of Vietnam that was operating on July 11, 1995; or (3) increasing the total number of personnel assigned to United States diplomatic or consular posts in the Socialist Republic of Vietnam above the levels existing on July 11, 1995.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 5 minutes and that the time be equally divided.

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

There was no objection.

The CHAIRMAN. The gentleman from New York [Mr. GILMAN] will be recognized for 2½ minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I rise in strong support of the Kingston-Gilman-Barr-Dornan amendment which bars the use of Federal funds for implementing the President's ill-considered, pre-mature decision to expand diplomatic relations with Vietnam.

Nothing in this amendment interferes with our efforts to identify, locate and repatriate the remains of U.S. service personnel.

According to the National League of Families, since the President lifted the trade embargo against Vietnam, remains of only eight Americans, of over 2,200 still missing, have been accounted for since February of 1994.

A Chinese mortician who has passed a polygraph test, testified under oath that he preserved nearly 400 sets of remains of American servicemen.

A significant number of those 400 remains are still not accounted for, and the administration can not explain why these remains have not been accounted for.

It is obvious that—far from cooperating—Hanoi is coldbloodedly using the remains of missing Americans as pawns in a sordid game to extract maximum concessions from our Government. Let us not permit them those ghoulish tactics.

Many veterans groups, support our amendment.

Mr. Chairman, this amendment sends a forceful message to Hanoi that the Congress will not just sit idly by and permit them to filmflam the American people.

Accordingly, I urge my colleagues to support our amendment.

If Vietnam wants normalized relations with the United States—then they must deal honestly with us and must provide the full and fair accounting that they promised.

We owe that much to those who gave so much for all of us.

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

Mr. FOGLIETTA. Mr. Chairman, I rise to strike the requisite number of words. I rise in opposition to this amendment which will prevent the complete normalization of relations with the Republic of Vietnam.

Having just returned from Vietnam, I stand to bear witness to the extraordinary efforts being made to locate every single American soldier missing there.

I departed for Vietnam with grave skepticism about the claims of the Vietnamese Government that they were providing every piece of information available on the fate of missing American soldiers.

After seeing the efforts being undertaken by our military people and the Vietnamese—and listening to our military leaders on the ground in Vietnam, I believe that the Vietnamese Government is being completely cooperative and honest.

Admiral Macke told me that the Vietnamese Government has shown excellent cooperation.

Lt. Col. Timothy Boffe with the Joint Task Force overseeing the MIA/POW project in Vietnam explained to me that when the United States asks for information the Vietnamese deliver, nothing is being withheld.

We must continue to do everything in our power to help American families identify the remains of their loved ones, and we are. By establishing an official diplomatic dialog, we will expedite this process. Extending diplomatic relations to Vietnam does not mean that we forfeit all leverage with that government. Full normalization will be a continuing process, including the grant of most-favored-nation trading status.

This action will help heal the wounds of Vietnam. With a greater sharing of information, we will continue to search out the MIA's to give peace of mind to the families of those who served valiantly but have not returned.

Mr. RICHARDSON. Mr. Chairman, this amendment undermines the President's ability to conduct foreign policy.

Congress should not micromanage foreign policy by cutting funds that improve our relationship with Vietnam.

Diplomatic relations with Vietnam have entered a new phase of cooperation designed to serve the legitimate interests of both countries and contribute to the cause of peace, stability and cooperation in Southeast Asia.

Since the United States lifted the embargo levied against Vietnam last year, our diplomatic, financial, and economic ties to Vietnam have grown.

More importantly, the Vietnamese have been cooperating fully on the issue of MIA's.

For the better part of the last 20 years, the United States has tried to resolve the POW/MIA issue by isolating the Vietnamese, by denying them benefits of trade and diplomatic relations—and this policy has failed.

Progress has come on the POW/MIA issue because we actively engaged the Vietnamese, encouraged cooperation, and created incentives to ensure compliance.

The Vietnamese handed over 100 new documents on missing United States servicemen to me when I visited there last month. They have also honored my request to give United States officials consular access to Ly Van Tong, a United States citizen of Vietnamese origin imprisoned in 1993.

VFW Commander in Chief ''Gunner'' Kent, a marine Vietnam veteran representing over 2 million veterans, supports normalization and has said:

If by normalizing relations with Vietnam we can further the process leading towards the fullest possible accounting, then the VFW will support such a decision.

Recognizing Vietnam does not have to mean forgetting the MIA's. It can mean establishing even more cooperation—economic and diplomatic—between the two nations.

Such cooperation will boost chances for more success in learning about the fate of those missing since the Vietnam war.

The CHAIRMAN. Does any Member seek time in opposition to the amendment?

If not, the gentleman from New York has 1 minute remaining.

Mr. GILMAN. Mr. Chairman, I yield 1 minute to the gentleman from Texas, Mr. SAM JOHNSON.

Mr. SAM JOHNSON of Texas. Mr. Chairman, even though I was a POW in Vietnam for 7 years, I understand the importance of our business access to Vietnam's emerging market. But I refuse to endorse opening relations with a country that simply will not provide us with information which they fully admit to having about our POW's and MIA's.

Vietnam's communist leadership just cannot be trusted. They have led us to alleged crash sites that, on inspection, had been recreated for U.S. visits. We have received animal bones that the Vietnamese said were human bones. This does not illustrate cooperation, in my opinion.

Vietnam never lived up to the 1974 peace agreements. The time has come for the war to end, but it must be a two-way street, and Until Vietnam demonstrates that they can work with us in good faith, keep the promises that they have made, they should not be rewarded with all the benefits of full diplomatic relations with the wealthiest, freest nation in the world.

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

I thank the gentleman from Texas for his statement in support of this amendment.

Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DORNAN], who has been a longtime supporter of this proposal.

The CHAIRMAN. The gentleman will suspend. The gentleman from New York was given 2½ minutes of the 5 minutes. The gentleman has used that 2½ minute time period.

If, however, there is no one seeking time in opposition, the gentleman from New York may ask unanimous consent for those 2½ minutes if he does so at this point.

Mr. PETERSON of Florida. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from Florida seeks the time?

Mr. PETERSON of Florida. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Florida [Mr. PETERSON] will be recognized for 2½ minutes.

Mr. GILMAN. Mr. Chairman, it was our understanding it was 5 minutes on each side.

The CHAIRMAN. That was not the request. The request was for 5 minutes.

Mr. GILMAN. Mr. Chairman, I ask unanimous consent that we be given 5 minutes on each side with regard to this.

Mr. MOLLOHAN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The gentleman from Florida [Mr. PETERSON] is recognized.

Mr. PETERSON of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will not take all of the time. I will not belabor this point.

It is clearly not in our best interests to take away our opportunity to communicate with Vietnam in a diplomatic nature.

So at this time I want to go on record in opposition to the amendment as proposed by the distinguished gentleman from New York [Mr. GILMAN] at this time.

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

Mr. BARR. Mr. Chairman, the President's decision to confer full diplomatic recognition to Vietnam, prior to establishing the fullest possible accounting of our American POW's and MIA's, was wrong. In my judgment the dignity and honor of those 58,000 Americans who died fighting for freedom in the Vietnam war and the memory of the 2,200 American MIA's would be violated were this Nation to enter into formal relations with Vietnam at this time.

It's been more than 20 years since the United States withdrew from the Vietnam war, and at no time in that entire period has Vietnam been completely forthcoming in answer to repeated requests for assistance in locating American MIA's.

For these reasons, I am offering an amendment to H.R. 2076, the Commerce, Justice, State appropriations bill that essentially prohibits Federal funds from being used to establish full diplomatic relations with the Communist Government of Vietnam. I am proud to have the privilege of offering this amendment with my colleague from Georgia, JACK KINGSTON—a distinguished member of the House Appropriations Committee, and Chairmen SOLOMON and GILMAN among others.

The amendment is both straightforward and simple. It will prohibit any of the bill's funds from being used to open or operate any new United States diplomatic or consular post in Vietnam after the retroactive cut-off date of July 11, 1995, or expand any post that existed prior to that date. It also prohibits funds from going to increase the total number of personnel assigned to such posts above the level that existed on July 11.

During a hearing before the Military Personnel Subcommittee of the House National Security Committee, current officials of the Pentagon's Defense POW/MIA Office [DPMO], and recently retired senior field investigators of the military's Joint Task Force Full Accounting [JTFFA] revealed under oath that Vietnam continues to: First, withhold remains; second, withhold essential documents and records; and third, manipulate field investigation to include coaching and intimidating witnesses as well as manipulating evidence at crash sites.

Many of the remains returned in recent years from Hanoi draped with the American flag have been discovered to be animal bones or non-American remains.

Some 163 remains returned to the United States from Vietnam have shown sign of chemical processing and prolonged storage. There are potentially 400 such processed remains.

During the Reagan administration when the United States officials adhered to strict negotiating principles, 169 MIA's from Vietnam were accounted for, an average of 21 per year. During the Bush administration, 96 MIA's were accounted for, averaging 24 per year. However, during the first 2½ years of the Clinton administration, only 30 MIA's have been accounted for, a drop to only 12 per year. But, even more telling, since the Clinton administration lifted the trade embargo, the number of those accounted for has dropped to a mere eight.

As Presidential candidate, Mr. Clinton named four criteria for the normalization of relations with the Government of Vietnam. To this day those criteria have not been achieved.

The President's own standards were: First, Concrete results from efforts on Vietnam's part to recover and repatriate American remains; second, continued resolution of discrepancy cases; third, further assistance in implementing trilateral investigations with Laos; and fourth, accelerated efforts by Vietnam to provide all POW/MIA related documents that will help lead to genuine answers.

Since President Clinton defined the criteria, progress has been almost totally limited to fate determinations produced by joint U.S./SRV investigations. Resolution means accountability, defined by the U.S. Government as the man returned alive, or his remains, or convincing evidence as to why neither is possible. In nearly all instances of the 117 with reported confirmation of death, evidence also indicates that Vietnam should be able to locate and provide remains. Of the 81 special remains cases—94 individuals—now being pursued jointly, unilateral efforts by Vietnam to locate and provide remains are required on all but the died-in-captivity [DIC] cases. The DIC cases require joint investigation due to wartime burial, mostly in the south.

There are some 300 Americans who were last known alive under Vietnamese control. Their status remains unresolved. Further, only three sets of remains have been returned of 97 Americans known to have died in captivity—85 percent of approximately 600 Americans captured in Laos were under Vietnamese control.

Mr. Chairman, it is clear that the President's decision was wrong, this amendment corrects that decision. I urge my colleagues to support this amendment, support the MIA's and POW's and their families that so heroically served this great Nation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. GILMAN].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title VI?

AMENDMENT OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GOODLING: Page 102, after line 20, insert the following:

SEC. 609. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the federal official having authority to obligate or expend such funds (1) that the United Nations undertaking is a peacekeeping mission, (2) that such undertaking will involve

United States Armed Forces under the command or operational control of a foreign national, and (3) that the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

Mr. ROGERS (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 Kentucky?

There was no objection.

Mr. ROGERS. Mr. Chairman, further, 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. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. MOLLOHAN. We have no objection. Does that mean we get 5 minutes on this side? Mr. Chairman, who is to control the time?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 5 minutes in support of his amendment.

Who seeks to control time in opposition?

Mr. MOLLOHAN. Mr. Chairman, I will seek time.

The CHAIRMAN. The gentleman from West Virginia [Mr. MOLLOHAN] will be recognized for 5 minutes also in support of the amendment.

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

Mr. Chairman, H.R. 7, the National Security Revitalization Act, and H.R. 1530, the defense authorization bill, both of which contain provisions severely restricting deployment of U.S. troops under foreign command, are now law, or have been passed by the House.

The amendment I offer today is a compromise proposal drafted with the support of the ranking Democrat in the Committee on International Relations, the gentleman from Indiana [Mr. HAMILTON], and it will apply these restrictions to this spending bill. I prefer to see that the provisions contained in H.R. 7 and H.R. 1530, which were approved by the House be enacted into law. These bills contain important certification and reporting requirements concerning U.S. involvement in U.N. missions that should be the law of the land.

In the interim, however, this amendment provides some measure of reassurance to Congress that U.N. mission debacles such as UNOSOM in Somalia will be avoided in the future.

In short, this amendment would prohibit the placement of U.S. troops under U.N. command unless military advisers report to the President and Congress such deployment was in the security interests of the United States.

I just want to restate to my colleagues the current U.N. command structure is largely unworkable. Current structure brought us the tragedy in Somalia and remains inept in Bosnia. The United Nations must rework its structure if it is to remain viable. As it currently stands, I do not see how we can subject Americans to that unworkable structure, needlessly endangering their lives.

I thank the chairman, the gentleman from Kentucky [Mr. ROGERS] and his staff, the gentleman from West Virginia [Mr. MOLLOHAN] and his staff, my friend, the gentleman from Indiana [Mr. HAMILTON], and his staff for working with me on the matter.

I urge an ''aye'' vote on the amendment.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, on this side of the aisle, we are prepared to accept the amendment, thinking it is a good one, and urge its adoption.

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

We have no objection to the amendment.

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

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The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING].

The amendment was agreed to.

Mr. KIM. Mr. Chairman, I move to strike the last word, and I would like to engage the gentleman from Kentucky in a colloquy.

Mr. Chairman, I had intended to offer an amendment which would have withheld money for any official congressional travel to North Korea until North Korea ends its policy of discriminating against certain Members of this Congress in permitting travel to North Korea.

As the only Korean-American in Congress, the Speaker and the chairman of the Committee on International Relations asked me to lead a special bipartisan delegation to North Korea in an effort to provide an in-house assessment of the nuclear agreed framework and future relations.

This bipartisan delegation was rejected, yet another congressional mission was not. I have very convincing evidence that this rejection was based on my national origin and political philosophy and perhaps that of others in the delegation.

Mr. Chairman, this is a direct insult to Congress. North Korea is deliberately insulting this Congress, with some Members obviously being more friendly to North Korea than others. We should not tolerate this demeaning insult.

My objective is to send two strong messages: One, to North Korea, Congress will not accept this insult. Congress, not the North Koreans, will decide which Members of Congress represent this institution abroad.

Since North Korea needs the United States Congress, not the other way around, my message is, ''Accept the delegation we choose to send or none will be sent at all.''

The second is to the State Department.

I am disappointed at the apparent lack of seriousness the State Department has given to North Korea's insult. North Korea is not going to change its position unless strong and convincing representations are made at much higher levels.

The State Department has been too busy appeasing North Korea at the expense of Congress and the dignity of our own Government. What is the personal threat of North Korea? Will Korea not attack us? This is really embarrassing.

Mr. Chairman, in lieu of offering this amendment at this time, I welcome the commitment of the gentleman from Kentucky [Mr. ROGERS] to help me get this important message across to North Korea and the State Department, loud and clear. With the help of the gentleman, I am willing to give the State Department one more chance to get tough with the North Koreans.

Furthermore, as a means of protesting North Korea's insult and showing solidarity, I urge my colleagues to boycott traveling to North Korea until this discrimination ends.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. KIM. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I appreciate the gentleman from California [Mr. KIM] not offering his amendment at this time and his willingness to give the State Department one more chance. In return, as the chairman of the subcommittee, I commit to raise this situation directly with Secretary of State Warren Christopher, and to relay the concern of the gentleman from California [Mr. KIM] that the State Department should be making this issue a higher priority.

The Department is expected to do a much better job of making North Korea appreciate the role of Congress in determining the pace and scope of future relations and the seriousness of Pyongyang's insult to Congress. I fully support the choice made by Speaker GINGRICH and the chairman of the Committee on International Relations, the gentleman from New York [Mr. GILMAN], of Mr. KIM to lead a bipartisan delegation to North Korea representing the House.

Mr. Chairman, I see North Korea's rejection of this codel as a rejection of the House as a whole. Congress cannot cede its decisionmaking authority on Member travel to the Communist dictatorship of North Korea.

Furthermore, Mr. Chairman, North Korea's direct snub of Congress raises serious questions about the sincerity of

North Korea's other interactions with the United States, including Pyongyang's commitment to the nuclear agreed framework. Do they intend to only cooperate on some parts of the agreement and not others?

Mr. KIM. With our chairman's commitment and that of the gentleman from New York, I will not offer my amendment at this time with the understanding that I will withdraw my amendment.

Mr. GILMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to express my strong support for the resolution of the gentleman from California [Mr. KIM]. I think it is appalling that another country would sort out who they want of our congressional delegation to visit their country and to decide arbitrarily that the gentleman from California could not be admitted to North Korea, and it is for that reason I urge our colleagues to be supportive of the Kim resolution.

The CHAIRMAN. Are there other amendments to title VI?

AMENDMENT OFFERED BY MR. ZIMMER

Mr. ZIMMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ZIMMER: Page 102, after line 20, insert the following new section:

SEC. . None of the funds made available in this Act shall be used to provide the following amenities or personal comforts in the federal prison system—

(A)(i) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;

(ii) the viewing of R, X, and NC–17 rated movies, through whatever medium presented;

(iii) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

(iv) possession of in-cell coffee pots, hot plates, or heating elements;

(v) the use or possession of any electric or electronic musical instrument.

Mr. ZIMMER (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 Jersey?

There was no objection.

Mr. ZIMMER. Mr. Chairman, I will take only 1 minute.

Mr. Chairman, this amendment deals with prison amenities. Prison perks are bad public policy and a waste of taxpayer dollars. My amendment is designed to start eliminating them from Federal prisons.

In some prisons, inmate amenities are better than what law-abiding Americans have. Prisons should be places of detention and punishment; prison perks undermine the concept of jails as deterrence. They also waste taxpayer money.

Mr. Chairman, my amendment would help end this taxpayer abuse by prohibiting funds from being spent in Federal prisons on luxuries such as martial arts instruction, weight rooms, in-cell televisions, sexually explicit or violent movies, and expensive electronic musical instruments. We must make sure we are spending public funds wisely, not using them on amenities that have little bearing on institutional security and that far exceed basic standards of human dignity.

Mr. Chairman, my amendment has won the support of the Law Enforcement Alliance of America, the Nation's largest coalition of law enforcement officers, crime victims and concerned citizens. This is a reasonable amendment. It does not provide for a return to the chain gang. It does provide for a return to common sense.

Mr. Chairman, I urge my colleagues to support this amendment.

Prison perks are bad public policy and a waste of taxpayer dollars. My amendment is designed to start eliminating them from Federal prisons.

In some prisons, inmate amenities are better than what law-abiding Americans have:

The Lompoc, CA, Federal penitentiary offers premium cable TV, movies 7 days a week, pool tables, handball, tennis, and miniature golf.

The Duluth, MN, Federal prison camp is called Club Fed. It provides a movie theater, musical instruments, softball fields, and game rooms.

The Federal prison in Manchester, KY, in which some State politicians have taken up residence, has a jogging track, several basketball courts, and multiple TV rooms.

Prisons should be places of detention and punishment. Prison perks undermine the concept of jails as deterrence. They also waste taxpayer money.

My amendment would help end this taxpayer abuse by prohibiting funds from being spent in Federal prisons on luxuries such as martial arts instruction; weight rooms; in-cell televisions; sexually explicit or violent movies; and expensive electronic musical instruments.

Earlier this year during consideration of the anticrime component of the Contract With America, this House accepted a no-frills prison amendment I offered that requires the Attorney General to set specific standards governing conditions in the Federal prison system that provide the least amount of amenities and personal comforts consistent with constitutional requirements and good order and discipline in the Federal prison system.

That amendment also requires the Bureau of Prisons to submit an annual audit to Congress listing exactly how much is spent at each Federal prison for basics and how much is spent on extras, perks, and amenities.

This requirement will allow Congress to get a handle on whether we are spending taxpayers' money on reasonable items to maintain and secure prisoners, or whether money is being wasted on luxuries that many law-abiding Americans cannot afford.

We must make sure we are spending public funds wisely—not using them on amenities that have little bearing on institutional security.

My amendment has won the support of the Law Enforcement Alliance of America, the Nation's largest coalition of law enforcement officers, crime victims, and concerned citizens.

This is a reasonable amendment. It does not provide for a return to the chain gang. It does provide for a return to common sense.

I urge my colleagues to support this amendment.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. ZIMMER. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, on this side, we accept this amendment.

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

The CHAIRMAN. The question is on the amendment by the gentleman from New Jersey [Mr. ZIMMER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SKAGGS

Mr. SKAGGS. Mr. Chairman, I offer an amendment, amendment No. 40.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendent offered by Mr. SKAGGS: Page 102, after line 20, insert the following:

SEC. 609. None of the funds made available in this Act may be used for ''USIA Television Marti Program'' under the Television Broadcasting to Cuba Act or any other program of United States Government television broadcasts to Cuba.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes and the time be equally divided between the gentleman from Colorado [Mr. SKAGGS] and a Member on this side in opposition.

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

There was no objection.

The CHAIRMAN. The gentleman from Colorado [Mr. SKAGGS] will be recognized for 10 minutes.

Does any Member seek recognition in opposition to the amendment?

Mr. SMITH of New Jersey. Mr. Chairman, I seek recognition in opposition.

The CHAIRMAN. The gentleman from New Jersey [Mr. SMITH] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Colorado [Mr. SKAGGS].

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

Mr. Chairman, the purpose of this amendment is to prohibit the use of any funds in this bill for the operation of TV broadcasting to Cuba, otherwise known as TV Marti. Put quite simply, this program is, has been, and will continue to be, a colossal waste of U.S. taxpayers' money.

Virtually no one in Cuba has, is, or will ever be able to receive a TV Marti signal. We are broadcasting into the black hole created, unfortunately, by the very effective jamming of this program by the Castro government.

Mr. Chairman, in the process, however, we have thrown away something on the order of $90 million over the last several years in an empty gesture of political symbolism that accomplishes absolutely nothing in terms of the interests of the United States relative to Cuba or Latin America.

Mr. Chairman, the research conducted on this by USIA's own researchers has demonstrated that there is no effective viewership of TV Marti. Pursuant to the appropriations bill enacted a couple of years ago, we required USIA to set up a review committee on broadcasting to Cuba and to inform Congress whether there was any effective viewership at all. That advisory committee came back with a clear finding that no one sees TV Marti.

Private researchers have gone to the island to see if they can find the TV Marti signal. No one can see TV Marti.

In the process of trying a Rube Goldberg contraption to improve the signal being sent to Cuba, we compromised for a while our Caribbean air defenses, all again in this vain effort to get a TV signal into Cuba which no one sees.

Mr. Chairman, there is now under way, at a waste of millions more in taxpayers' money, an effort to convert what had been a VHF program to a UHF program. That misses a couple of fundamental technical points. One is that most TV sets in Cuba do not receive UHF. The second is, verified by technical experts in this country, that it would be far easier to jam UHF signals than VHF signals. So no matter how you look at this, unless you are interested in spending tens of millions of dollars, in the very, very difficult budget time we are now in, on symbolism that has no practical effect, to no benefit to the interests of the United States, it is time to put this program out of its intense misery.

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

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY TO THE AMENDMENT OFFERED BY MR. SKAGGS

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of New Jersey to the amendment offered by Mr. SKAGGS: In the matter proposed to be inserted by the amendment, strike the period at the end and insert the following:

, when it is made known to the Federal official having authority to obligate or expend such funds that such use would be inconsistent with the applicable provisions of the March 1995 Office of Cuba Broadcasting Reinventing Plan of the United States Information Agency.

Mr. SKAGGS. Mr. Chairman, I reserve a point of order against the amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the Skaggs amendment and in support of the legislation that I am offering to his amendment. The amendment of the gentleman from Colorado [Mr. SKAGGS] is aimed at the heart of what is sometimes called surrogate broadcasting. An even better term, Mr. Chairman, is freedom broadcasting sending the message of freedom to people who live in countries where this message is not permitted to be carried on domestic radio and television stations.

The amendment of the gentleman from Colorado, [Mr. SKAGGS], would eliminate TV Marti, would deprive millions of Cubans of not only vital information around the world and about the world, but also the hope that comes with knowing that the free world cares. My substitute perfecting amendment guarantees fiscal responsibility without compromising our commitment to freedom.

Mr. Chairman, eliminating or crippling freedom broadcasting into Cuba, as the Skaggs amendment would do, would send exactly the wrong message at exactly the wrong time.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. Mr. Chairman, I do not have the time.

Mr. SKELTON. Mr. Chairman, I ask unanimous consent that each side have 1 additional minute.

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

There is no objection.

Mr. SMITH of New Jersey. Mr. Chairman, I yield to my friend, the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I will not take the full minute, but I want to associate my remarks with those of the gentleman from New Jersey [Mr. SMITH], particularly in regard to the electronic communications of Marti toward the Island of Cuba. That is a very, very important subject for us as Americans. We should not forget that.

Mr. Chairman, many people from Cuba are here and enjoying our freedoms, but they also have friends and relatives back there, and the best way to communicate with them is for us to do it through the freedom network which the amendment of the gentleman from New Jersey [Mr. SMITH] addresses. I compliment the gentleman for addressing it in his substitute amendment.

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Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman from Missouri [Mr. SKELTON], my good friend, for his very kind words and for his support for the amendment I am offering.

Mr. Chairman, eliminating or crippling freedom broadcasting to Cuba, as the Skaggs amendment would do, would sent the wrong message at exactly the wrong time. The Castro dictatorship is at an all-time low in domestic support and international prestige. Like the two recent Clinton-Castro immigration agreements, the silence of Marti-TV would provide new hope for the Castro dictatorship and a fresh dose of despair for the Cuban people.

Mr. Chairman, let me just say that the amendment that I am offering achieves fiscal responsibility by guaranteeing that no funds would be spent for TV-Marti except in accordance with a careful and thoughtful plan for the streamlining and reinvention of the Office of Cuba Broadcasting proposed by the then Director, Mr. Richard Lobo, and approved by USIA Director Dr. Joseph Duffy in March of 1995.

These reforms are going to be implemented; they can save taxpayers money without sacrificing our commitment to end the slavery in Cuba.

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

The CHAIRMAN. Does the gentleman from Colorado insist on his point of order?

Mr. SKAGGS. No, Mr. Chairman. I have consulted with the Parliamentarian, and I am afraid my point of order would be unlikely to be sustained, so I will not put us through the exercise.

Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I rise in strong support of the Skaggs amendment to defund TV–Marti. I think it is very important that this amendment passes. I think it is time that we recognize that that program is an anachronism from the past, that what we ought to do is engage in a modern policy with the people of Cuba to engage them both in trade, and personal communications, and travel and tourism, and start to bring our values to their island, and to let them expand the values that they hold, and they can do that by greater contact with this country, greater contact with the rest of the world, and I think the notion that somehow we are going to provide some kind of meaningful engagement through the use of this process is simply ridiculous. We ought to understand that we ought to get out of the business of the embargoes, we ought to get out of all these old policies from the cold war, and start out fresh with the people of Cuba, and this program has never worked. It has been an incredible waste of money. It has not reached the population for which it was designed.

Mr. Chairman, we ought to stop this program, but, once this program is stopped, we ought to move on to a new relationship.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida [Mr. DIAZ-BALART].

Mr. DIAZ-BALART. Today, Mr. Chairman, is an interesting day, the 26th of July, the anniversary of Castro's movement in Cuba, big celebration day for him, the day he got his so-called revolution going, and the revolution culminated with the oppression that has been on the Cuban people for 36 years. It is also interesting that just last week the Christian Science Monitor pointed out the vast new campaign of repression that Castro is engaging in against the—all signs of budding, free, independent press within Cuba. Our colleagues who are proposing this amendment, the gentleman from Colorado [Mr. SKAGGS], the gentleman from California [Mr. MILLER], the gentleman

from New York [Mr. SERRANO], in their Dear Colleague they say Television Marti uses tax dollars to produce and broadcast programs to Cuba, but Cubans cannot see them because the signals are jammed by the Cuban Government, so, they continue to say, while we support USIA's efforts to provide biased news, we are convinced it makes no sense to continue with the program.

In other words, the essence of their argument is, because Castro engages in jamming of TV Marti, that we should give up. In other words, during the heat of the cold war, when the Soviet Union was most engaging in jamming of Radio Free Europe and Radio Liberty, and was very successful, at some point jamming up to 90 or 95 percent of the transmissions of Radio Liberty and Radio Free Europe, if we were going to engage in the philosophy, accept the philosophy of the proponents of this amendment of the kill TV Marti, we would simply say, ''Oh, they won. They are jamming 80 percent, they are jamming 85–90 percent, so we have to give up.''

Mr. Chairman, that is not the American way. When we have a burden to overcome, when we have a situation where Castro was spending tons and tons of oil to jam, attempt to jam, the signal, we overcome the jamming, and we are doing that. We are engaging in the conversion of the UHF which the technicians tell us is going to markedly increase the receptivity of TV Marti, and, if we have to, we will use a C–130. We will get the transmission through. That is the American way, not throw in the towel, not give up, not give Castro a victory on the 26th of July.

Reject this effort by the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I want to take a little time to respond to the substitute amendment that has been offered by the gentleman from New Jersey.

The underlying assumption of the substitute of course is that this program can be fixed. The problem is that it is beyond fixing. It is not within the technical capabilities of the United States to make this thing work, and we should recognize that and get on with more productive uses of our very, very scarce resources.

Let me quote again the findings of the panel appointed by the United States Information Agency, which had an interest, since this operates under USIA auspices, in seeing a successful finding. But the panel that the USIA itself appointed said the following about this program, and I quote: ''The panel is able to state categorically that at present TV Marti's broadcasts are not consistently viewed by a substantial number of Cubans. Whatever TV Marti's shortcomings, they are negligible compared to its inability to reach its intended audience.''

Now I understand the strongly held feelings of the gentleman from Florida that just spoke and many that believe that this is an absolutely stellar effort to show the flag. I understand that. I think it is just too expensive for its purely symbolic effect.

In passing my amendment, we are not giving Castro a victory. We are giving the American taxpayers a victory.

Mr. Chairman, the substitute amendment is not going to solve the problem, it should be rejected, and I again urge my colleagues to support the original amendment as I offered it.

Mr. SMITH of New Jersey. Mr. Chairman, I ask unanimous consent that there be an additional 6 minutes. There are a number of speakers who would like to come forward on this important issue and for the interest of the membership of knowing the breadth and the fervor, equally divided, of course, with the gentleman from Colorado [Mr. SKAGGS].

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

Mr. OBEY. Reserving the right to object, Mr. Chairman, I do not want to object. We have been asked time and time again by the majority to cooperate in closing down debate so we can get out of here.

Mr. SMITH of New Jersey. Mr. Chairman, I withdraw my unanimous-consent request.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Ms. ROS-LEHTINEN], who has been very stalwart on the issue of human rights in Cuba.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in strong support of the substitute amendment and in favor of the important functions served by television broadcasting to Cuba.

Mr. Chairman, for decades Castro has been a master at manipulating information inside Cuba to serve his evil purposes. This information monopoly went unchallenged until the creation of Radio and TV Marti which effectively broke the information embargo that Castro has imposed on the people of Cuba.

The reality is, Mr. Chairman, that both Radio and TV Marti have been invaluable in providing the enslaved Cuban people access to information they would otherwise not obtain.

In Europe and Asia, American broadcasts played a critical role in freeing the enslaved countries of those continents against their Communist rulers. In Cuba, the broadcast of these two stations have made similar breakthrough impacts in the short number of years they have been in operation.

Moreover, the importance of the broadcasts of Radio and TV Marti have dramatically increased, given the newly enhanced repression by Castro's poilce state against journalists who try to act as independent sources of information.

Just 2 weeks ago, it was reported that Rafael Solana Morales, the founder of a clandestine independent news agency, Havana Press, was arrested by Castro's police state.

That same day, July 12, Jose Rivero Garcia, of the Council of Cuban Independent Journalist, was likewise arrested and detained.

Similarly, other independent journalists from the Association of Cuban Independent Journalists were also arrested, detained, and interrogated in early July by Castro's thugs.

As one of the victims of Castro's repression, Solano Morales, stated: ''This is harassment and attempted intimidation of the free press in Cuba, but it will not have the desired effect.''

The words of Mr. Solana Morales symbolize the determination of these journalists to continue working against the Castro regime.

What message will we be sending to these journalist dissidents if we move to eliminate broadcasting to Cuba?

Mr. Chairman, Castro has recently been working overtime to portray a reformist image of the island. However, Cuba remains to this day a totalitarian state where no freedoms of expression, press, assembly and all others that we in this country enjoy, exist.

A human rights activist of the organization America's Watch recently phrased it perfectly when referring to the Castro regime, ''They've been working hard since about November to improve their image, but this shows there's no real change in the structure of human rights limitations.''

Without Radio and TV Marti the Cuban people might have never found out about the intentional sinking by Castro's thugs of a tugboat filled with refugees and the resulting death toll of dozens of Cuban citizens, mostly women and children.

Without Radio and TV Marti the Cuban people would have been blind to the massive demonstration in Havana last year, or the refugees crisis that followed it.

TV and Radio Marti allow the Cuban people to differentiate the facts from the fiction that Castro promotes inside the island. This is critical to help the dissident movement on the island obtain the information necessary to continue with their courageous activities against Castro.

Mr. Chairman, let us not hand Castro a victory or buy into his cheap image enhancement.

TV Marti is an important tool in our battle to bring freedom and democracy to the Cuban people. Its elimination would undermine the efforts of those inside the island who look toward us as partners in their struggle to eliminate tyranny in Cuba.

I urge my colleagues to support the substitute amendment and reject attempts to eliminate TV Marti and its message of freedom.

Mr. MENENDEZ. Mr. Chairman, I ask unanimous consent to address the Committee for 2 minutes on this vital issue in my district.

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

Mr. MOLLOHAN. Mr. Chairman, reserving the right to object, we have

agreed to a time certain on these amendments, and I think it is extremely important to move this bill efficiently tonight. I think everybody agreed by unanimous consent on these time limits, and I would very reluctantly ask that the gentleman reconsider his request.

Mr. MENENDEZ. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from New Jersey.

Mr. MENENDEZ. Mr. Chairman, I appreciate the gentleman's concern. Let me just say, had I been here, I would have objected, or I would have sought to at least insure this. It is interesting the only Cuban-American Democrat cannot get a unanimous-consent request from his own colleagues to be able to speak for 2 minutes for the second-largest concentration in the country.

Mr. Chairman, I would hope the gentleman would reconsider his objection.

Mr. MOLLOHAN. Mr. Chairman, I withdraw my reservation of objection.

I hope there will be restrained respect of our time limits and that the gentleman will come in if they have these issues and they want to speak on them. I hope in the future that we would come and get time during the agreed-upon originally time, and I withdraw my reservation of objection.

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

There was no objection.

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

Mr. MENENDEZ. Mr. Chairman, I thank the gentleman from West Virginia [Mr. MOLLOHAN] for withdrawing his objection, and I have, in every way along the way, attempted to cooperate. As a matter of fact, I came the other day to speak on something, and even though I had asked prematurely to speak, I was not given time, so I have tried to cooperate, but I appreciate the gentleman's withdrawing his objection.

Mr. Chairman, I do not have enough time in 2 minutes, but let me just briefly say for those who say this is a cold-war relic, I say someone should tell Fidel Castro that it is a cold-war relic. We just had four ex-political prisoners from a generational difference, one who was just here a year ago, just came here a year ago, others who spent more time in Castro's jail than any other political prisoner in the world, Mario Chamas, in excess of 30 years. He saw his son born outside of jail and his son die while he was still in jail. He said tonight here in the House of Representatives in one of our offices where we were having an open meeting for Members to come, ''Don't cut Radio and Television Marti. Give the opportunity for the people in Cuba to have an open window, the only window of information that, in fact, we have,'' and this report which was authored by those who have the capacity, the intellect, and the technological background say we can do so, we can fix Television Marti to insure that in fact it is available to all the people of Cuba.

Lastly let me just say that the fact of the matter is this House just approved to transmit into China and into a Communist country. All we ask our colleagues to do is to keep the opportunity for information to continue to flow to the people of Cuba for an item that already exists. The fact of the matter is that 90 miles away from our shores there is a society that is closed, that has not been awoken to the waves of democracy that have come throughout the world, and whose only information comes from this great country as to what is happening in the rest of the world.

Do not close that window on these people. Vote against the amendment offered by the gentleman from Colorado [Mr. SKAGGS] and for the amendment offered by the gentleman from New Jersey [Mr. SMITH].

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The CHAIRMAN. The Chair would point out the gentleman from New Jersey [Mr. SMITH] has 4 minutes remaining, the gentleman from Colorado [Mr. SKAGGS] has 6 minutes remaining, and the gentleman from Colorado has the right to close.

Mr. SKAGGS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BECERRA].

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

Mr. BECERRA. Mr. Chairman, this is an issue which undoubtedly has the passion of several Members, and I respect that passion and their desire to fulfill what they believe is the right course of action when it comes to Cuba and Mr. Castro. So I say this with deep respect for their views.

But I must say that at a time when we are cutting back on so many different programs, to spend $90 million on TV Marti, when we know we are cutting back on some very, very essential programs, to me is difficult to swallow.

Worse, when I realize that TV Marti does not even reach most of the Cuban people because it is blocked, it is something that cannot get through as much as we might desire, some people might desire, makes it a doubly more difficult thing to swallow.

Mr. Chairman, I would urge Members to consider the fact that what we are trying to do with these budget bills, these spending bills, is to try to come up with ways to spend our money the best we can for Americans. I would hope that we would concentrate on those. As much as I respect a lot of the Members who are my good friends, who have a great deal of interest and, as I said before, passion on this issue, I would urge colleagues to vote for the Skaggs amendment.

Mr. SMITH of New Jersey. Mr. Chairman, it is my privilege to yield 2 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. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, earlier this month, our Committee on International Relations took a bold, bipartisan step forward to prescribe proactive measures to help bring freedom to Cuba once and for all. The amendment offered by the gentleman from Colorado, [Mr. SKAGGS], is a step backward—and I urge my colleagues to oppose the Skaggs amendment and to support the Smith amendment.

Despite the controversy that usually marks any debate on Cuba, there is one issue on which all sides generally agree: that is on the manifest need to communicate with the Cuban people—to offer them a window to the real world and a hopeful glimpse at the future.

That is the spirit behind Radio and TV Marti.

One of the key provisions of legislation offered by Mr. BURTON, which has been referred favorably by our Committee to the Whole House, is a requirement that the President start planning now for United States support to a democratic transition in Cuba.

That plan, which was an idea conceived by our good friend and committee colleague, Mr. MENENDEZ of New Jersey, will lay out clear steps toward the normalization of our political and economic relations with Cuba.

A hallmark of that plan is the ability to communicate its contents to the Cuban people with two simple purposes: to offer them hope and to refute Castro's virulent propaganda that we mean them harm.

We cannot hope to achieve that mission—nor reach the broader objective of advancing liberty's reach—if we gut broadcasting to Cuba.

Let's be clear: there is one reason that TV Marti's audience is limited: because that's the way Castro wants it. If we silence TV Marti, we will be handing his dictatorship a victory by default. TV Marti's reporting is journalistically sound and evenhanded. That is why Castro is against it; that is why we should be for it. From the point of view of United States Cuba policy—which has been compromised recently by mixed signals—I cannot conceive of a worse time in recent memory to serve up a ''stocking-stuffer'' for Castro. I urge my colleagues to consider the broader policy issues when making the decision on this amendment.

Let's not abandon the field, particularly at a time when our policy is at a crossroads and when Castro is looking for cracks in our resolve. I urge my colleagues to defeat the Skaggs amendment.

Mr. SKAGGS. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SERRANO].

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

Mr. SERRANO. Mr. Chairman, I do not really think that this is an argument about our resolve to do what we have to do for democracy or any other subject we want to discuss. This is just a bad expenditure. That TV station has not been seen in Cuba for the last couple of years. In fact, the reports are that it was seen one evening with Popeye cartoons. I know Popeye is good and funny. I do not know if Popeye is good at undoing any kind of government.

Those of you who are new to this House and strong on the issue of cutting budgets, this is a good one to start. The problem here is simple, and you are going to hear it throughout this discussion. There is a lobby in Miami that I envy. They are so strong. They can get their own TV station, their own radio station, their own embargo, and, of course, they can present it as something that is against everything that is wrong and in favor of everything that is right.

This, my friends, is a waste of money. When was the last time someone came from Cuba and said I saw TV Marti? They do see CNN programming. What they do see is the World Series when it goes in on the antenna. TV Marti does not get in. Whether or not it is jammed by Mr. Castro is not the point. I do not allow anything to come to my House that I do not want.

So maybe he has got a problem with that. That is his decision to make. But why are we spending tax dollars on something that does not work because we have got people telling us that they want electronic toys to play with? If they want electronic toys, let those lobbyists get a Radio Shack card and go and buy something and leave TV Marti unfunded and save that money.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from North Carolina [Mr. FUNDERBURK].

Mr. FUNDERBURK. Mr. Chairman, when I was a Fulbright student in Communist Romania staying with a Romanian family, I remember how important to them was Radio Free Europe and the Voice of America. It was the only way they could get the truth unfiltered and know what was going on in the outside world, as well as inside their country.

As U.S. Ambassador to that harsh Communist country, I saw even more how indispensable was an American broadcast voice. It made all the difference in Eastern Europe and Russia.

If we want to assist in the demise of Fidel Castro and his Cuban Communist regime and assist in the establishment of a free democratic government in post-Castro Cuba, TV Marti is needed now more than ever. I want history to record that when the Cuban people seeking freedom needed a voice and a news lifeline, at least in this small way we did not fail them.

Mr. Speaker, I have seen Communists up close. They do not respond to offers of friendship or well-meaning gestures of good will. They have nothing but contempt for those in Congress, the media, and academia who turn a blind eye to their crimes. I have seen Ceausescu, Li Peng, and many other Communist leaders.

Castro is a cold-blooded killer. He is a mass murderer. He knows only one language, force. While he lives, he is a threat, not only to the people of his island, but to the people of southern Florida. That is why we must give the people of Cuba every tool that we can to help them throw Castro into the Caribbean. That is why he must beat back attempts to cut the Cuban people off from TV Marti. TV Marti is the Cuban people's link to freedom.

Mr. Chairman, we must defeat the Skaggs amendment, and we must support the Smith amendment. Let us defeat this ill-timed amendment of the gentleman from Colorado [Mr. SKAGGS] and send Castro into the oblivion he so richly deserves. Do the right thing for freedom.

Mr. Chairman, there is no stronger advocate of eliminating layer after layer of the foreign policy bureaucracy than this Member. Despite that I will always argue that you cannot put a price on freedom.

Mr. SMITH of New Jersey. Mr. Chairman, I yield the balance of my time, 3 minutes, to my good friend and colleague, the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Chairman, I thank my friend for yielding.

Mr. Chairman, a week ago this Congress answered the imprisonment of an American citizen in China with Radio Free Asia. Today we celebrate the end of the cold war by recognizing the role of Radio Free Europe, knowing that more than any tank, as much as any plane, or the bravery of any soldier, the truth has always been America's most effective weapon.

Now the question before this Congress is, is the Congress that for all of these years supported Radio Free Europe, the very same individuals that voted for Radio Free Asia, now to abandon the truth in the fight against dictatorship in Cuba? That, my friends, is the question.

But it is not a new question. Last year the gentleman from Colorado [Mr. SKAGGS] came to this Congress with the same question on the same bill. It was argued then that there was no news, except USIA did a study and 70 percent of the broadcasting is news. It was argued then that it would not reach the Cuban people, except USIA says that it reaches most of the Cuban people. It was argued then that it was not effective or in the national interest, except that USIA said that is technically sound, it contains essential information, it is in the interests of the United States Government, that it sustains the Cuban people's right to hear and see the news.

Mr. Chairman, we did not have this debate last year, because the opponents and the proponents agreed for an independent study on the value of Television Marti. And you have it. It works, it is effective, it is the truth.

I cannot imagine the despair this Congress would cause to thousands of Cubans who last year took to the streets of Havana to demonstrate for their freedom, to the hundreds who are in political prisons, to those who risk their lives every day, organizing, planning, hoping, praying for freedom, to give Fidel Castro this gift.

Mr. Chairman, there is nothing more in the great traditions of this country than to believe that our most effective tool is a discussion of ideas, the promotion of our form of government, the announcement of the truth. Television Marti is in that tradition.

It is not that it cannot be better. This same study by the Clinton administration which endorsed the programming and its effectiveness also found ways to save money, and we are doing that; spending less, spending more effectively, but all the time letting the people of Cuba know that the truth, America's greatest weapon, is still their ally. I urge support of the Smith substitute.

Mr. SKAGGS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I appreciate the beautiful rhetoric of my friend from New Jersey. Unfortunately, the gentleman grossly mischaracterizes the report of the Advisory Committee on Broadcasting to Cuba, and particularly as it dealt with TV Marti. Let me just quote, as opposed to characterizing, what the advisory committee found, which is about 179 degrees different than the characterization of the gentleman from New Jersey [Mr. TORRICELLI].

''The panel is able to state categorically that at present, TV Marti's broadcasts are not consistently received by a substantial number of Cubans. Whatever TV Marti's shortcomings, they are negligible compared to its inability to reach its intended audience.''

Mr. Chairman, most of the argument we have heard in the last few minutes appeals to our sense of history about Radio Free Europe and our present determination with regard to Radio Free Asia, which, unfortunately, misses the point.

This is TV. Signal strength, ability to penetrate, to reach an audience, is wholly different. I am not attacking Radio Marti, which in fact does get to its audience and, with some reforms, can serve a useful purpose. This is TV Marti. It is not seen.

This has nothing to do with your views about Fidel Castro. It has everything to do with your views about whether we should continue to throw away U.S. taxpayer money on a program that does not work.

My colleague mentioned, and it is very appropriate to mention, that there are other avenues in the TV realm that do reach Cuba: CNN, HBO,

and other media get through. They are not jammed, and they are effective alternatives to the state-controlled TV in Cuba. TV Marti is not.

Unfortunately, it cannot be fixed. We should be under no illusion that somehow fiddling with the dials, going to UHF, or some other gimmickry, is going to solve the problem. In fact, it is really beside the points that have been made tonight, which are all about symbolism and nothing about practicality. Unfortunately, we cannot afford to indulge ourselves in this symbolism at this time.

Mr. Chairman, we should also realize that even if the signal got through, it only gets through at wee hours of the morning, when virtually no one is up to watch in any case.

This is a colossal boondoggle; it is a waste of money; it does not serve the national interest. The advisory committee found, without any equivocation, that this is a failed effort, and my conclusion is, we should not continue it.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from New Jersey [Mr. SMITH] to the amendment offered by the gentleman from Colorado [Mr. SKAGGS].

POINT OF ORDER

Mr. SKAGGS. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. SKAGGS. Mr. Chairman, I believe this was characterized as a substitute.

The CHAIRMAN. It is an amendment.

The question is on the amendment offered by the gentleman from New Jersey [Mr. SMITH] to the amendment offered by the gentleman from Colorado [Mr. SKAGGS].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SMITH of New Jersey. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House today, further proceedings on the amendment offered by the gentleman from New Jersey [Mr. SMITH], will be postponed.

□ 2100

PARLIAMENTARY INQUIRY

Mr. SKAGGS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SKAGGS. Mr. Chairman, I do not know that we have faced this particular parliamentary situation before in which proceedings have been suspended on an amendment to an amendment, and we have not yet gotten to the underlying amendment. I would reserve at this time, if I may, therefore, the right to a recorded vote on the underlying amendment. I will not otherwise have an opportunity to ask for a vote in the House.

The CHAIRMAN. The Chair would put the question on the underlying amendment to the committee after action on the amendment to the amendment was completed at a later point.

Mr. SKAGGS. I thank the Chair for the clarification.

Mr. LAHOOD. Mr. Chairman, I move to strike the last word.

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

Mr. LAHOOD. Mr. Chairman, I rise to engage the distinguished chairman of the appropriations subcommittee on a colloquy.

Mr. Chairman, in your subcommittee report under title V, page 124, there is report language about the future of some SBA offices around the country. The report recommends to the SBA, and I quote, ''not to close my district or branch offices at this time.''

Mr. Chairman, I would like to know if this pertains to the branch office in Springfield, IL, which is in my district and shared by the gentleman from southern Illinois.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. LAHOOD. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the language does pertain to the Springfield, IL office.

Mr. LAHOOD. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I am appreciative of your efforts to behalf of the small business men and women in central Illinois. Mr. Chairman, as you are aware, the Springfield office is the only SBA office in Illinois outside of the city of Chicago. While I support the SBA's efforts to restructure, that effort should not be at the expense of those in rural Illinois. In addition, Mr. Chairman, several States with offices had less lending activity than the Springfield office, but were kept open. In closing, I want to thank the gentleman from Kentucky for his assistance, and I look forward to working with him in the future on this issue.

Mr. POSHARD. Mr. Chairman, will the gentleman yield?

Mr. LAHOOD. I yield to the gentleman from Illinois.

Mr. POSHARD. Mr. Chairman, I want to rise in support of the efforts of my friend, the gentleman from Illinois [Mr. LAHOOD], and to thank the gentleman from Kentucky [Mr. ROGERS], and the ranking member, the gentleman from West Virginia [Mr. MOLLOHAN], for protecting excellent branch offices of the Small Business Administration such as the Springfield, IL office from closing until appropriate consultation with the Congress has been achieved.

Mr. DURBIN. Mr. Chairman, will the gentleman yield?

Mr. LAHOOD. I yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Chairman, I am happy to join my colleague from the city of Springfield, IL. I believe this is a valuable addition to the economy of southern and central Illinois to have this office remain open.

Mr. ORTIZ. Mr. Chairman, I move to strike the last word.

I wish to engage the distinguished chairman of the Commerce, Justice and State Subcommittee in a colloquy regarding the State Department Strategic Management Initiative or the SMI.

Mr. Chairman, on July 13, 1995, the Secretary of State sent to Congress his SMI narrative as part of the overall effort by the administration to consolidate and reduce departmental operations both at home and overseas. Part of the SMI is a proposal to close 19 overseas posts, including the United States consular office in Matamoros, Tamaulipas, Mexico.

It is my understanding that the members of the Subcommittee on Commerce, Justice and State will carefully consider this targeted closure.

This particular consulate is strategically located on the United States-Mexico border and will play an increasing role in the implementation of the North American Free Trade Agreement.

The office is also the only slated overseas post that directly affects a major U.S. city and a port of entry.

The office also helps United States businesses with information regarding the markets for their products in Mexico, works with law enforcement officials on both sides of the border and helps United States citizens who are traveling, living and conducting business in Mexico.

Again, it is my understanding that the subcommittee may appeal the SMI, specifically the potential closure of the U.S. consultant Matamoros office. Is this correct?

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. ORTIZ. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the gentleman is correct. the subcommittee intends to exercise its full-review prerogative concerning the State Department's SMI proposal.

Mr. ORTIZ. Mr. Chairman, I look forward to working with the gentleman on this issue.

Mr. WATTS of Oklahoma. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a colloquy with the distinguished gentleman from Kentucky regarding the Legal Services Corporation and its funding for Native Americans.

Mr. Chairman, as you are well aware, the LSC is restructured so that there are only two budget lines, one for administration and oversight, $13 million, and the second for basic field programs of $265 million.

Absent from the Legal Services Corporation appropriations is a separate line for native American program funding now used to fund the 34 Indian legal services programs nationwide. Regrettably, over the years the LSC has drifted away from the original congressional intent to provide needed essential legal services to low income Americans.

I commend the chairman and the committee for remedying the misguided activities of a few LSC grantees that have instead promoted their own social and political agendas instead of helping our Nation's citizens with basic legal services.

With that said, I would like to clarify the intention of the chairman and the committee on whether the basic field funding line will be available to use to fund grants to competitive bidders to provide legal services to native American people. In my State of Oklahoma, which is home to more federally recognized tribes than any other State in this Nation, the one LSC recipient providing legal services to the Indian population attempts to serve the Indian people from the more than 39 tribes and urban Indian people throughout the State, with the total client eligible population of about 150,000, with a staff of four attorneys.

Mr. HAYWORTH. Mr. Chairman, will the gentleman yield?

Mr. WATTS of Oklahoma. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Chairman, I thank my colleague from Oklahoma for yielding to me. I thank the distinguished chairman of the subcommittee, the gentleman from Kentucky, for this colloquy.

The gentleman from Oklahoma is quite correct when he talks about basic legal services. Also, we should note a basic legal responsibility. Because of our treaties with sovereign Indian nations and the trust relationship that this Federal Government enjoys with those nations, we have sacred treaty obligations to our native American citizens. This is why I am gratified to join the gentleman from Oklahoma and the distinguished subcommittee chairman to assure native Americans that basic legal services will be available in the days ahead.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. WATTS of Oklahoma. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I want to thank the gentleman from Oklahoma [Mr. WATTS] and the gentleman from Arizona [Mr. HAYWORTH] for bringing their concerns to the attention of the subcommittee and to the chairman.

Let me assure the Members that it is not only the intention, but the expectation, of the committee that Native Americans receive legal services with funding provided through the competitive bidding process for basic field programs. Basic field funding will be available for grants to competitive bidders to provide legal services to Native Americans. I will be pleased to work with the gentlemen as we proceed to conference on the bill to further clarify the committee's expectation. I thank the gentleman for bringing the matter to our attention.

Mrs. MORELLA. Mr. Chairman, the Legal Services Corporation is important to assisting vulnerable people in our society. Women and children are among the vulnerable who without assistance often find themselves in abusive situations that they cannot control. The impact of these situations is significant and may result in homelessness and the loss of necessary financial resources for food, maintenance, and health care.

The destabilizing effect can be illustrated by situations occurring across the country and in my own State of Maryland, where the Legal Aid Bureau, Inc., has 13 offices geographically located to help eligible clients. In 1994, more than 36,000 cases were opened to assist families, many of which were headed by women. More than 21,000 of the clients served were females—including children.

In May, a maternal grandmother caring for her 4½-year-old grandson since birth called Legal Aid after the boy's father assaulted her, snatched the boy naked from the bathtub, and fled her house for several hours. He did this in retaliation for the grandmother's refusal to grant him food, money, and sexual favors to allow her to continue to care for her grandson. This incident occurred after he had stalked and harassed her. Legal Aid Bureau attorneys went to court for her and got a protective order, and they will seek an emergency custody order this week.

An asthmatic mother who recently had surgery for cancer was locked out of her home by her husband, while he attempted to remove furniture and other household items. When she insisted on being let into her home, he became physically abusive, and cut the cord on the air conditioner which she needed to help her breathe. She was in dire straits. Legal Services helped her to get a protective order which included financial support during the time of the order, and it restrained her husband from contact and allowed her to remain in her home.

In another case, an abused woman living on the eastern shore of Maryland was wrongfully accused by her husband of abuse to gain an advantage in a parental custody dispute. He snatched the child and claimed that he was protecting the child. Legal Services helped to establish that he was really the abuser and was successful in defending against his petition for a protective order. She was granted temporary custody, and he was enjoined from abusing her.

In my congressional district in Montgomery County, as a result of domestic violence and in fear for her safety and that of her five children, a woman left her husband of 15 years. He had been the primary support for the family. She was able on her own to obtain housing, although it was neither decent nor safe; still, because of her financial situation, she was threatened with eviction. Legal Services helped her to get section 8 housing and the family was able to relocate to decent housing with adequate space. This stabilized the family during a very disruptive and unsettling time.

Millions of children are the victims of abuse from their parents and others who are responsible for their care. This abuse goes on somewhere in the country every minute of the day. Legal Services in Maryland represents children who are neglected or abused. Such neglect or abuse ranges from a child being left alone by a parent, or not being provided a nutritional meal, to physical or sexual abuse that results in severe injury and, all too often, death. Legal Services has helped the infant that has been abandoned at birth, the child who is left unattended, the child who is beaten, burned by cigarette butts because he wouldn't stop crying, or scalded by hot water to teach him a lesson.

These children are vulnerable, and without the protection of the law, they would be endangered and lost. Legal Services advocacy on behalf of children assures that they will not be the subject of abuse, and helps to secure services for children such as housing support, health care, food, educational programs, and necessary counseling. The work of Legal Services on behalf of families and children touches at the heart of what we value in this country—decent housing, adequate health care, food, and a safe environment. Because of the importance of safety in our society, Legal Services programs have supported legislation to prevent abuse and to protect the abused.

In Maryland, the Legal Services Program, on behalf of clients, supported a change in the Domestic Violence Act which greatly improved the protections for abused persons.

The new law was enacted in 1992, and expanded protection from abuse to include members of the household, including stepchildren and others who resided in the home for at least 90 days. The law was strengthened by allowing the court to grant protections such as financial maintenance, custody, and child support from 30 days to up to 200 days, and by allowing the court to order financial maintenance, custody and child support during the time of the order.

In 1994, the Legal Services Program in Maryland opened 8,219 domestic cases, represented 13,000 cases involving children who were neglected or abused, and opened 3,466 cases to assist people with housing problems. With limited Federal funding, many people have been helped to assure access to justice by our poorest citizens.

In general, the States are not allocating funds for civil legal services for the poor citizens. Without this federally funded program, the most vulnerable members of our society will not have the ability to get inside the court room door to seek judicial protection of their rights.

The CHAIRMAN. Are there other amendments to title VI?

AMENDMENT OFFERED BY MR. KLUG

Mr. KLUG. 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. KLUG: On page 102, after line 20, insert before the short title the following new section:

''SEC. . None of the funds made available in title II for the National Oceanic and Atmospheric Administration under the heading 'Fleet Modernization, Shipbuilding and Conversion' may be used to implement sections 603, 604, and 605 of Public Law 102–567.''.

Mr. KLUG. Mr. Chairman, this amendment, sponsored by myself and the gentleman from Florida [Mr. FOLEY], simply completes the business that this House started earlier today. As you may remember, there was an amendment sponsored earlier today by the chairman and by the gentleman from West Virginia which struck $12 of

the $20 million included in the appropriation bill for the modernization of the NOAA fleet.

This will now essentially bar NOAA from spending the other $8 million on modernizing its fleet and instead simply says if it needs additional fleet services, it should use it on contracting out. This amendment will once and for all terminate NOAA's ill-conceived $1.9 billion fleet modernization effort and force NOAA out of owning and operating its own vessels in favor of private and nonprofit ships and data gathering.

Over half of the fleet modernization account is currently used to repair NOAA vessels. If we stay on course, it will cost us twice that amount simply to keep the fleet up and running.

Since the fleet will cost nearly $2 billion to replace, we have to find a better way.

H.R. 1815, the NOAA authorization bill passed last month by the Committee on Science, repeals NOAA's fleet modernization authority. It does not authorize any funding for the NOAA fleet modernization account. Private firms are more than capable of supplying NOAA with the data they need for mapping and charting. In fact, an association of 57 research institutions that operate or utilize the 27 ships of the U.S. academic research fleet is much better prepared to operate a fleet than NOAA. NOAA's operating costs are at a minimum 25 percent higher.

This amendment, I should point out, is supported by both the Interior Committee and the Committee on Science.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. KLUG. I yield to the gentleman from Florida.

Mr. FOLEY. Mr. Chairman, I rise with the gentleman from Wisconsin [Mr. KLUG] to privatize the NOAA fleet.

The U.S. Government through NOAA owns a number of research and mapping watercraft. These boats are falling apart. Currently in this bill NOAA gets $8 million to fix the boats in this bill. This $8 million would be the first drop in the bucket in spending money. I say let us privatize the fleet. Let us get the Government out of owning these watercraft; that is, let the private sector do it and save millions of dollars for the American taxpayer.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. KLUG. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, we accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. KLUG].

The amendment was agreed to.

Mrs. MEYERS of Kansas. Mr. Chairman, I ask unanimous consent to offer an amendment to title V.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Kansas?

Mr. DEFAZIO. Reserving the right to object, Mr. Chairman, I would like to know what time is anticipated on this amendment?

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I will be seeking a limitation on time at the appropriate time of 20 minutes.

Mr. DEFAZIO. Mr. Chairman, continuing my reservation of objection, I yield to the gentlewoman from Kansas [Mrs. MEYERS] to explain the amendment.

Mrs. MEYERS of Kansas. Mr. Chairman, this amendment would replace funds for the Office of Advocacy. We will be as brief as we possibly can.

Mr. DEFAZIO. Mr. Chairman, I object.

The CHAIRMAN. Does the gentleman object to returning to title V, or does the gentleman object to the 20-minute time allocation?

Mr. DEFAZIO. Mr. Chairman, if it can be done in 10 minutes, I would not object.

The CHAIRMAN. The gentleman objects to the 20-minute time allocation.

Is there objection to the request of the gentlewoman from Kansas [Mrs. MEYERS] to offer an amendment to title V?

There was no objection.

AMENDMENT OFFERED BY MRS. MEYERS OF KANSAS

Mrs. MEYERS of Kansas. 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. MEYERS of Kansas: Page 97, line 8, strike ''$217,947,000'' and insert ''$222,325,000''.

Page 98, line 6, strike ''97,000,000'' and insert ''$92,622,000''.

Mr. ROGERS. 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 between the gentlewoman from Kansas [Mrs. MEYERS] and the gentleman from New York [Mr. FORBES].

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

There was no objection.

The CHAIRMAN. The gentlewoman from Kansas [Mrs. MEYERS] will be recognized for 5 minutes, and the gentleman from New York [Mr. FORBES] will be recognized for 5 minutes.

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

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

The SBA has taken a reduction of 42 percent. We intend to authorize a reduction of 42 percent and in this bill we have taken a reduction of 36 percent. We intend to authorize a reduction of the Office of Advocacy of about a third in our authorization. However, in the committee, the Office of Advocacy was zeroed out.

Let me make very clear, Mr. Chairman, that all of the small business groups are strongly supportive of the Office of Advocacy.

When I first became chairman, a number of the small business groups said to me, the two most important things in the SBA were the loan programs and the Office of Advocacy. They could get along without other things, but not the loan programs and the Office of Advocacy.

This was stated on behalf of NFIB, U.S. Chamber of Commerce, National Small Business United, Small Business Legislative Council, the National Association for the Self-Employed, and the Small Business Council of America. They all strongly support the Office of Advocacy, and they support this amendment.

Some Members may not be familiar, Mr. Chairman, with what the Office of Advocacy does, but it is the advocate among other agencies of Government on behalf of small business, and it has performed extremely well. It is an independent office, appointed by the President, confirmed by the Senate so that it has the clout to go toe to toe with all other agencies.

It has testified before Congress approximately 200 times and about 25 percent of that time it was either in opposition to administration policy or in the absence of administration policy on an issue.

□ 2115

It is also the linchpin, it is absolutely the central position for enforcing the Regulatory Flexibility Act. This is an act which we just strengthened in the Contract With America. There has been some concern expressed about lobbying activities. However, an Inspector General's report, after investigating this matter at my request and at the request of the gentleman from New York [Mr. FORBES] has said that lobbying did not take place.

I am very rushed. I want to state strongly that this is a key vote by NFIB, that all the small business groups supported it; that if Members voted for the Regulatory Flexibility Act in the Contract With America, it is absolutely counter to that if Members do not support the Office of Advocacy. I would ask for Members' votes for the Meyers amendment.

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

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

Mr. Chairman, this is a new day in Washington. We are supposed to be picking programs that work and discarding programs that do not work. Twenty years ago the special interest groups got together and said, ''You know what? Not only do we want to be at the table, we want to be inside the Federal building. We want to have our own Federal staff, paid for by the taxpayers. We want an office paid for by the taxpayers.''

Carol Browner represents the environmental interests at ERA. Bruce

Babbitt represents the Interior's interests at Interior. Robert Reich represents labor, not the AFL–CIO. The Sierra Club does not have an office at EPA. I would suggest, first and foremost, that Phil Leder at the SBA represents the interests of small businesses.

Mr. Chairman, let me say this. We have reduced the SBA budget, with the good wisdom of the subcommittee and the full committee, by $337 million over last year. Now is the time to pick the programs that work. Do we want to help small businesses that need access to capital, or do we want to fund studies that go to special interest groups and consultants inside the Beltway? Do we want to help women business owners get a start, or do we want to fund a 10-, 11-, and 12-year-old statistic-gathering operation?

I would suggest to this committee and to the full House that we want to help small businesses. If Members care about Main Street businesses, they will want them to be able to have access to capital. How do we do that? We make sure that we defeat the Meyers amendment, and that we preserve the chairman's bill here that provides for the women business ownership program, it allows for prequalifying women business owners, it allows for the smallest of businesses, under $100,000, to get loans. If the Meyers amendment is approved, Members will be taking money away from small businesses to fund studies done by a so-called ''Office of Advocacy'' that is an advocacy office in name only.

Mr. Chairman, I would just suggest to the Members, here is a book of some of their studies. Let me ask the Members, do they think the Main Street businesses in their hometown would benefit from the ''small business involvement in societal causes and empirical investigation of social responsibility, self-interest perspectives''? Is that a study you think they would benefit from? Those are the kinds of studies that come out of the Office of Advocacy. In the last 20 years, they have received upwards of $80 million, $80 million.

My distinguished friend, the gentlewoman from Kansas, is wrong. We would no sooner stand in the well of this House and ask to fund an office for the AFL–CIO or the Sierra Club or any other special interest. Let us put the interest of the Main Street merchants, the mom and pop businesses, first.

Mr. Chairman, I would suggest if this office is supposed to be fighting regulations, how come in the last year alone, when there was proposed 68,000 new regulations, that the Office of Advocacy only saw fit to object to 30? Since January of this year, they have only objected to 12.

I would suggest, Mr. Chairman, that try as they might, this is an office that could not fulfill the mission originally given to it. It could not be such a small operation and go against Cabinet-level departments. If we really care about regulatory flexibility and paperwork reduction, we will put that operation in a legal counsel office, where it can be better administered. The Office of Advocacy has a 20-year history of failing in that mission. With all due respect to my colleagues at the NFIB, and I was head of the Small Business Administration for 4 years in New York, and here in Washington at the Office of Legislative Affairs, and I can tell the Members I saw firsthand.

Do we want to fund programs that actually teach businesses how to get over problems, give them the technical assistance? Do we want to fund them and allow them to grow their businesses? If we do, we will, in due respect, defeat the Meyers amendment. It is wrongheaded. If we want to help studies, we want to fund studies. If Members want to fund statistics that are 10 years old, then go that way. If we care about Main Street businesses and the businesses across this country, in all due respect, we will not allow the Office of Women Business Ownership to be cut 50 percent, we will not allow the small business development centers, each one in each one of our districts to lose $4 million and all of a sudden, after we have cut $333 million over last year, come up with $4.4 million, take it out of loan-making and give it back to the consultants inside the Beltway.

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

The CHAIRMAN. The gentleman from New York [Mr. FORBES] has 10 seconds remaining, and the gentlewoman from Kansas [Mrs. MEYERS] has 1½ minutes remaining.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield the remainder of my time to the gentleman from New York [Mr. LAFALCE], the ranking member of the Committee on Small Business.

The CHAIRMAN. The gentleman from New York [Mr. LAFALCE] is recognized for 1½ minutes.

Mr. LAFALCE. Mr. Chairman, it was my understanding before we came here that this was the Meyers-LaFalce amendment. That still is my understanding, although it has not been characterized in that manner, because this is a bipartisan approach we are taking to preserving the office that we think is the most important office for the small business community of America.

However, it is not just we who believe that. The gentleman from New York [Mr. FORBES], who was a regional administrator, in addition to the chief lobbyist for the SBA while he was there, head of congressional relations, knows a lot about and developed a certain amount of antagonism, I think, toward the office. However, we recently had a White House Conference on Small Business. In the White House Conference on Small Business, thousands of individuals across America made a special point of coming in with a very high-ranking recommendation. That high-ranking recommendation was, at all cost, preserve the Office of Advocacy.

The Contract With America, in the regulatory flexibility bill, provided the chief counsel with time to comment on proposed rules before they were even published. That is a new authority and confirms the advocates' authority to appear amicus curiae in Federal court. That was approved on March 1 of this year by a vote of 414 to 15.

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

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

Mr. TORKILDSEN. Mr. Chairman, I rise in strong support of the bi-partisan amendment sponsored by my good friend and colleague, the distinguished chair of the Small Business Committee, Mrs. MEYERS, and the ranking minority member, Mr. LAFALCE, to restore this important position.

As chairman of the Small Business Subcommittee on Government Programs, I have worked closely with Mrs. MEYERS in our top-to-bottom review of the Small Business Administration.

As a part of that review, we held an extensive hearing focusing specifically on the Office of Advocacy and deemed it an important advocate for small businesses. In any bureaucracy, a well run advocate's office can be the difference between regulation written in reality, or imagination.

Reputable small business organizations such as NFIB, the U.S. Chamber of Commerce, National Small Business United, and the National Association of the Self-Employed all support our effort to retain funding for the Office of Advocacy.

In fact, the recently concluded White House Conference on Small Business went so far as to make our effort to strengthen the Office of Advocacy one of the Conference's top priorities. Clearly, the White House Conference delegates from every Congressional district in the Country are all aware of the importance of the Office of Advocacy to small business.

These delegates were chosen by ourselves, or elected by their fellow small business owners, because of their experience and knowledge of the problems facing small business everywhere.

I have heard the claims that the Office makes SBA ''a weak two-headed agency,'' or that the Office is a political tool for the White House. These charges are inconsistent with the Office of Advocacy I have come to know as chairman of the Government Programs Subcommittee.

The Office of Advocacy I know is rebuilding, into an agency which champions small business interests throughout the regulatory process. The Office of Advocacy is a strong, independent agency which is not afraid to take-on other agencies while working to promote small business interests. The Office of Advocacy has independently testified before Congress nearly 200 times voicing the concerns of American small business.

Without the voice of the Office of Advocacy, small business interests and concerns could be gagged during the regulatory review process. Don't reverse the good work we did on Reg Flex; don't kill the dog while you're trying to get rid of the fleas.

I ask my colleagues on both sides of the aisle to join our effort to save the Office of Advocacy.

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

(Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Chairman, I rise in strong support of this amendment.

Mr. Chairman, I rise today in strong support of the Meyers-LaFalce amendment which restores funding for the ABA's Office of Advocacy.

The Chief Counsel for Advocacy plays an important role by presenting and fighting for the views of the small business community. The Chief Counsel has a very different role than other administrators in the SBA; he is the independent voice within the agency that represents the interests of small business. The advocate may not necessarily represent the President's Administration position or that of the SBA, however, the SBA and other Federal agencies are required to fully cooperate with the Chief Counsel.

While I personally may not agree with some of the position's taken by the Chief Counsel, I believe it is important to maintain the office which is the watchdog for small businesses. By passing the Regulatory Flexibility Act, which was contained in the Contract With America, the Chief Counsel will now have the authority to protect small businesses from overzealous regulators.

The Office of Advocacy plays a crucial role as the independent voice of small business. Here is an example in which the Chief Counsel's position was different from the administration's: January 20, 1995—the Chief Counsel supported 100 percent deductibility of health insurance premiums for small business, while the President supported only a 25 percent deduction.

In addition, the Office of Advocacy has submitted more than a thousand comments to regulatory agencies to insure that the interests of small business were considered during the rulemaking process. Each time a comment is filed with an executive branch agency, the Chief Counsel, in effect, takes a position independent of the administration.

The Chief Counsel's advocacy has resulted in major cost savings for small business. For example: Enhanced poultry inspection—the USDA withdrew this proposed rule consistent with comments filed by the Chief Counsel on October 11, 1994. According to industry estimates, this withdrawal saved the poultry processing industry at least $450 million in up front costs, and at least $185 million in annual recurring costs.

I urge my colleagues to join me in standing up for small businesses by supporting the Meyers-LaFalce amendment.

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

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

Mr. LONGLEY. Mr. Chairman, I rise in strong support of this amendment.

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

Mr. SISISKY. Mr. Chairman, I rise in strong support of the Meyers-LaFalce amendment.

Mr. Chairman, to be honest, I do not understand why anyone would want to get rid of SBA's Office of Advocacy.

I have been on the Small Business Committee for 12 years and I have never heard of any serious opposition within the small business community to the Office of Advocacy.

Just the opposite. The Office of Advocacy has consistently enjoyed strong support over the years from small business. Advocacy plays a very important role in representing the views and interests of America's small business before Federal departments and agencies.

The recent White House Conference on Small Business recommended—and I quote—''permanent maintenance of the 'independent role' of the U.S. Small Business Office of Advocacy.''

The NFIB supports the Meyers amendment to restore partial funding to the Office of Advocacy. The Chamber of Commerce also supports the Meyers amendment. In fact, all of the major organizations representing small business support the Meyers amendment.

I thought that this Congress was going to give greater weight to the views of small business. I thought there was an emerging bipartisan consensus to make sure that the voice of small business is heard in the regulatory process.

By overwhelming margins we passed improvements to the Paperwork Reduction Act and the Regulatory Flexibility Act.

In fact, this House voted to expand the responsibilities of the Office of Advocacy. H.R. 926 allows the Chief Counsel for Advocacy explicit authority to appear in federal court to review agency rulemaking.

Why on earth would we want to sabotage these reforms without ever giving them a chance to work?

Nobody is suggesting that the Office of Advocacy should be exempt from budget cuts. The Meyers amendment would cut about $1.8 million from last year's budget. That's pretty much in line with the 36 percent cut in the SBA's budget overall.

But i strongly urge my colleagues to heed the recommendation of the White House Conference and preserve an independent voice for small business in the regulatory process.

I urge you to support the SBA's Office of Advocacy and vote for the Meyers amendment.

Mr. LAFALCE. Mr. Chairman, I yield such times as she may consume to the gentlewoman from Arkansas [Mrs. LINCOLN].

(Mrs. LINCOLN asked and was given permission to revise and extend her remarks.)

Mrs. LINCOLN. Mr. Chairman, I rise in strong support of the Meyers-LaFalce amendment.

Mr. Chairman, I rise today in strong support of the Meyers-LaFalce amendment which would restore funding to the Small Business Administration's Office of Advocacy. Small business is vital to the economic health of the First District of Arkansas and the nation as a whole. Many times in my district I have been approached by small business owners telling me how they are being oppressed by overregulation. We have made a lot of progress in this Congress to correct excessive regulatory burdens and that is why I find it so hard to believe that this bill eliminates all of the funding to the Office of Advocacy. Many small businesses can't afford to have an advocate in Washington, so this office often serves as their one protection from overbearing bureaucracy. I am an adamant supporter of balancing the budget, but cutting out the entire Office of Advocacy is neither intelligent nor equitable to our small businesses. The Meyers-LaFalce amendment is both budget conscience and fair, cutting funds for the Office of Advocacy by 30 percent from the administration request while maintaining a barrier of protection for our small businesses. Thousands of small business leaders from across the country recently expressed their strong support for the office at the White House Conference on Small Business. These leaders recommended to the President that he should ensure permanent maintenance of the independent role of this office. Many leading business organizations have lent their support to the Meyers-LaFalce amendment, including the National Federation of Independent Businesses, the U.S. Chamber of Commerce and the Small Business Legislative Council. I firmly believe that the only prudent decision for this Congress is to support equitable, intelligent treatment of the SBA's Office of Advocacy. I urge my colleagues to support the Meyers-LaFalce amendment.

Mr. LAFALCE. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. PETERSON].

(Mr. PETERSON of Florida asked and was given permission to revise and extend his remarks.)

Mr. PETERSON of Florida. Mr. Chairman, I rise in strong support of this amendment.

As a member of the Small Business Committee, I have always valued the Office of Advocacy's candor in their testimony on executive agency compliance.

The role of advocacy is to be the inside watchdog for Small Business. In this role, the office has consistently spoken up against agency attempts to unduly burden small businesses.

It is important to note that this role is within the administration. I know the principal opponents of the office may criticize the office's lack of independence. But I believe it has done its job effectively in constantly interjecting the small business perspective.

Of course there will still be regulations which small businesses oppose, but we cannot hope to solve these problem by silencing their only effective voice within the administration.

At the White House Conference on Small Business, small businessmen and women from across the country affirmed their support for this office.

One proponent of eliminating the office cites the NFIB, The U.S. Chamber of Commerce, and other interest groups as the truly independent voices of small business. Looking past the partisan nature of some of these groups, I find it ironic that all of them in fact have stated their strong support for the Office of Advocacy and their opposition to its elimination.

At a time when we have finally taken steps to provide the Regulatory Flexibility Act with

much-needed judicial review, we must not eliminate the very office charged with its enforcement.

I applaud Chairwoman MEYERS and Congressman LAFALCE for their bipartisan leadership on this issue and join them in strong support of the amendment.

Mr. LAFALCE. Mr. Chairman, I yield such time as he may consume to the gentleman from Rhode Island [Mr. REED].

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

Mr. REED. Mr. Chairman, I rise in strong support of the Meyers-LaFalce amendment to restore funding for the Office of Advocacy at the Small Business Administration.

The Office of Advocacy successfully served as an independent voice for small business in testifying before Congress and in representing the small business sector before Federal departments and agencies.

The Office of Advocacy has been one of the parts of the SBA that has consistently received strong small business support over the years. Indeed, the delegates to the recent White House Conference on Small Business affirmed their support for the Office of Advocacy, the U.S. Chamber of Commerce, the National Federation of Independent Business, and other small business advocacy groups wholeheartedly endorse the Office of Advocacy and support this amendment.

Efforts to make the SBA more effective and efficient should continue to be explored, as they should be in programs throughout our Government. But to eliminate the Office of Advocacy makes no sense.

I urge my colleagues to reject this proposal and to support the Meyers/LaFalce amendment.

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

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

Mr. SKELTON. Mr. Chairman, I strongly favor the Meyers-LaFalce amendment.

Mr. Chairman, I rise on behalf of small busies owners from Missouri and across the country in strong support of the Meyers/LaFalce amendment to restore funding for the Small Business Administration's Office of Advocacy.

Mr. Chairman, as a member of the Small Business Committee, I ask that Members of this body allow me to make the following observations regarding this bipartisan amendment before us.

Both the chairman and the ranking member of the Small Business Committee, the same members chosen by this body to represent the views of small businesses, stand before you today in complete agreement that the Office of Advocacy continues to provide an invaluable service to small business owners and should be maintained.

Recently, thousands of small business owners from across the country convened in Washington for the White House Conference on Small Business. Participants bestowed praise upon the Office of Advocacy for its role in independently representing small businesses before Congress and other Federal agencies. Further, they recommended that the Office of Advocacy be permanently maintained as an independent entity.

Advocates of the small business community such as the Small Business Legislative Council, the Association for the Self-Employed, the U.S. Chamber of Commerce, and the National Federation of Independent Business [NFIB], have voiced their concerns about losing a unique liaison to the executive, legislative and judicial branches of government. Because the Office of Advocacy serves as an independent voice within the administration, they are better equipped to provide a clear and thoughtful assessment of the concerns before small business owners. Make no mistake; small business owners support the Office of Advocacy.

Mr. Chairman, let me give an example of the positive contributions this office has made in regard to legislation effecting small business. In response to proposed legislation regarding the Clean Air Act, the Office of Advocacy objected to requiring more than half a million farmers to perform hazard assessments for ammonia fertilizers. As a result, The 1990 Clean Air Act amendments exempted farmers from this provision for a savings in excess of $1 billion.

Examples such as this illustrate why members of this body, as well as Members of the Senate, have adopted provisions in pending legislation to increase the authority and responsibility of the Office of Advocacy. In other words, Congress wants the chief counsel to do more.

As a member of this committee, I urge you to stand with small business owners from your district and across the country by supporting efforts to restore funding for the Office of Advocacy in the Small Business Administration.

Mr. LAFALCE. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. POSHARD].

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

Mr. POSHARD. Mr. Chairman, I rise in strong support to the Meyers-LaFalce amendment.

Mrs. MEYERS of Kansas. Mr. Chairman, I thank the gentleman from Kentucky [Mr. ROGERS], and I would like to thank the gentleman from New York [Mr. FORBES] for not objecting.

The CHAIRMAN. The gentleman from New York [Mr. FORBES] has 10 seconds remaining.

Mr. FORBES. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, I would just say with the balance of my 10 seconds that if Members care about small business, they will defeat this amendment. I would just quote Hillel, the rabbi from the first century who said, ''If not now, when? If not us, who?''

Mr. LUTHER. Mr. Chairman, I wish to support the Meyers/LaFalce amendment to restore funding for the SBA's Office of Advocacy.

I have been, and continue to, be a strong advocate of efforts to balance the Federal budget. However, the Office of Advocacy does not have to be eliminated to accomplish this goal. The appropriations process is about setting priorities, and in my view, eliminating the Office of Advocacy in order to fund other activities of the SBA, represents misplaced priorities.

The Office of Advocacy serves as an important voice for small businesses on regulatory and policy issues, serving as the eyes and ears for small business throughout the Federal Government. Optimally, all agencies of the Federal Government would be sufficiently sensitive and responsive to the interests of small business, and if that were the case today, there would be no need for the Office of Advocacy. Unfortunately, however, that is not the case, and the small business community in this country needs the Office of Advocacy to intervene on their behalf and on behalf of their grassroots advocacy organizations to protect small business' interest.

The bill before us cuts funding for the Small Business Administration by 36 percent from last year's funding in order to reduce our Federal deficit. The Meyer/LaFalce amendment adds no additional spending to the bill, it simply shifts funds from other activities within the SBA to fund this important activity. I urge your support.

Mr. LIGHTFOOT. Mr. Chairman, let me just say a few brief words in support of the Meyers amendment.

I have been contacted by a number of constituents in support of this office. What's interesting is that these are constituents who would normally be asking me to keep government off their back.

I understand the concerns expressed by the subcommittee. Clearly we do not want to fund an office which would not truly represent the interests of small business—particularly on issues such as health care.

But the folks who do have the interests of small business at heart—the House Small Business Committee and the National Federation of Independent Business both support the Meyers amendment.

I commend Mr. FORBES for raising some important points with regard to the Office of Advocacy.

But I think and the Small Business Committee thinks and NFIB thinks the office should continue.

I hope everyone will support the Meyers amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentlewoman from Kansas [Mrs. MEYERS].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. FORBES. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentlewoman from Kansas [Mrs. MEYERS] will be postponed.

AMENDMENT NUMBER 37 OFFERED BY MR. SERRANO

Mr. SERRANO. 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. SERRANO: Page 102, after line 20, insert the following:

SEC. 609. None of the funds made available in this Act may be used for the Advisory

Board for Cuba Broad casting under section 5 of the Radio Broadcasting to Cuba Act.

Mr. ROGERS. 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 between the gentleman from New York [Mr. SERRANO] and the gentleman from Florida [Mr. DIAZ-BALART].

Mr. Chairman, I would point out that this, I think, is the last amendment of the evening.

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

Mr. MENENDEZ. Reserving the right to object, Mr. Chairman, since I was reprimanded the last time for not being here to object, I would ask if through my objection I could ask the gentleman from Florida [Mr. DIAZ-BALART] whether he has any time available.

Mr. DIAZ-BALART. Mr. Chairman, will the gentleman yield?

Mr. MENENDEZ. I yield to the gentleman from Florida.

Mr. DIAZ-BALART. I would tell the gentleman, I do, Mr. Chairman.

Mr. MENENDEZ. Mr. Chairman, I withdraw my reservation of objection.

Mr. SKAGGS. Reserving the right to object, Mr. Chairman, I just want to inuquire of the gentleman from Florida whether he intends to offer any amendments to this amendment or whether we are going to deal with this one straight up.

Mr. DIAZ-BALART. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Florida.

Mr. DIAZ-BALART. Mr. Chairman, I would tell the gentleman, I have no amendments.

Mr. SKAGGS. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

The CHAIRMAN. The gentleman from New York [Mr. SERRANO] will be recognized for 5 minutes, and the gentleman from Florida [Mr. DIAZ-BALART] will be recognized for 5 minutes.

The Chair recognizes the gentleman from New York [Mr. SERRANO].

Mr. SKELTON. Mr. Chairman, I compliment the gentleman on his amendment. Let me point out that the participants in the White House conference to which the gentleman referred urged that this small business advocacy office be maintained as an independent agency.

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

Mr. Chairman, let me briefly say at the outset that I am troubled by the fact that when prior agreements are reached on time for amendments, depending on how late the session goes, we tend to change those agreements and that is why we have a limited time now.

Mr. Chairman, my amendment says that no funds can be used to pay for the activities of the advisory board for the Cuba broadcasting, under the Cuba Radio Act. What happens is that recently, reports have come out in an investigation, a Federal investigation by the IG that indicates that the chairman of the board of the Advisory Board of Radio Marti is misusing his position as chairman of this board; is in fact writing policies that are not within his direction to do so; that he has in fact influenced the way Radio Marti conducts its business; that he has influenced Radio Marti broadcasts to Cuba, and what kinds of things Radio Marti says. The IG report also denounces the fact that this gentleman determined who gets hired and who gets fired; that if you disagree with his desire to run his personal agenda, and someday return to Cuba as President of the island under his exiled government, that he then fires you. It is, in fact, a complaint by a person who was under fire, an employee of Radio Marti, that caused the IG investigation which denounces this action.

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Now, if you have been close to this issue for years, and I have and others in this body have even longer than I, you know that this is no secret, that the worst kept secret in this country is the fact this gentleman, this chairman of this board, runs this program, in other words, the worst kept secret in America is that this station has become the electronic personal toy of this individual, who feels that he can control all kinds of political matters by this station. In fact, he is chairman of Radio Marti's advisory board and is only supposed to provide general advice to the White House about Radio and TV Marti.

He has influenced both management of Radio Marti and news coverage. The Office of Inspector General of USIA has issued an interim report documenting examples of inappropriate influence by the chairman. There have been personal abuses and personnel abuses.

A close associate was hired and promoted. Radio station employees who protested the influence were retaliated against. That is all in the report.

In January, Radio Marti broadcast, at his request, statements that the administration was near agreement on immigration when, in fact, the administration was trying to work out other agreements.

During the recent months, 280 stories in favor of a bill that the chairman supports tightening the embargo were aired on Radio Marti, while only 70 stories against the embargo were aired.

Incidentally, my stories against the embargo were never aired, and I am a Member of Congress. So you can imagine how serious this stuff gets.

The complaints traditionally are that this agency is being run not to service the needs of the United States, but to serve the needs of this one individual.

You are going to hear from opponents of this amendment that this is a witch-hunt against a great American. Fine. You are going to hear from opponents saying they want to investigate the people who investigated to make sure that they were fair in their investigation. You are going to hear how this report was leaked and is unofficial.

Well the fact of life is most of what is in this report, even when it is official, will stay the same, and it will say that we should not be using taxpayers' dollars to allow someone to run a nearly, if not fully, corrupt operation, which is the advisory board and his influence on it.

Those are not the statements of the gentleman from Colorado [Mr. SKAGGS] or myself or other people throughout the years. There is finally, as reported by the Washington Post and the New York Times, the statement in a report that says this is horrible, this should not take place, this is improper. USIA probes activist's role at Radio Marti; anti-Castro activist is being probed: Cuban American has meddled in Radio Marti, officials say. This should not take place.

What I am asking today is we are not attacking Radio Marti, but Radio Marti does not need an advisory board which is being run this way.

Mr. DIAZ-BALART. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is interesting, we heard prior speakers on the amendment on TV Marti say, ''Oh, no, we like Radio Marti,'' and now we just heard a bunch of some minutes' criticism, systematic criticism of Radio Marti, Radio Marti; they just want to get rid of an advisory board that costs the taxpayers about $100,000-something a year. Of course, though, we just heard that is something that even though I think at the end we heard their support for Radio Marti, we just heard a bunch of time and criticism of Radio Marti, not TV Marti, Radio Marti.

Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong opposition to the amendment offered by Mr. SERRANO to eliminate the President's Advisory Board for Cuba Broadcasting [PAB].

Mr. Chairman, the Advisory Board for Cuba Broadcasting is important in assuring the continued efficient operation of Radio and TV Marti: two essential tools in our battle to eliminate the Castro tyranny in Cuba.

The board seeks to make these two overseas broadcast services more efficient by eliminating redundant duties within their operations and its management.

Moreover, the members of the board offer important expert advice on unique issues inside Cuba, in order to assure that accurate and independent news is reaching the island.

The Board is critical in assuring that Radio and TV Marti continue to offer the people of Cuba the facts instead of the fantasy and fiction which Castro's propaganda promote inside the island.

Both broadcast services have been successful in achieving this purpose by undermining Castro's propaganda. Radio and TV Marti provide the Cuban people with accurate, up-to-date information that they would otherwise be denied by Castro's information embargo.

Mr. Chairman, Fidel Castro and his regime proceed to set aside all critics and continue their repression of the Cuban people. The Department of State's Human Rights Report described the regime as ''* * * sharply restricting basic political and civil rights, including the right of citizens to change their government; the freedoms of speech, press, association, assembly and movement; as well as the right to privacy and various workers rights.''

Amnesty International's recently released international human rights reports echoed the view of the State Department: ''Members of unofficial political, human rights and trade union groups continued to face imprisonment, short term detention, and frequent harassment.''

Unfortunately, Mr. Chairman, many of those who suffer from the evil actions described above are journalists who dare to challenge the state line which Castro and his information ministers publicly release.

This amendment, Mr. Chairman, goes further than simply abolishing this board. It is part of a concerted effort by some to change the path of United States policy toward Cuba.

Do not pacify Castro by moving United States policy toward reconciliation with the Cuban tyrant. To that end, they attack those persons and institutions which work toward the elimination of Castro and his totalitarian regime.

To them, I remind them of the millions of Cubans who continue living without freedoms.

Cubans like Rev. Orson Vila Santoyo who remains in prison after being arrested and sentenced to almost 2 years in jail for allowing religious services in his home. Cubans like Lt. Col. Nilvio Labrada, a former high ranking official of the Interior Ministry in Cuba who was recently sent to a psychiatric hospital for expressing publicly his views against Castro.

Or the thousands of political prisoners who continue to dwell in Castro's prisons and the dissidents who suffer daily the harassment and persecution of the Castro regime.

These are the Cubans we should be striving to aid in their struggle—not Castro.

This amendment would play into the hands who would rather flirt with the Cuban dictator rather than stand firm against his repression.

The PAB is an institution designed to make Radio and TV Marti work and operate effectively.

I urge my colleagues to break Castro's information embargo by supporting the PAB and rejecting this misguided amendment.

Mr. DIAZ-BALART. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey [Mr. MENENDEZ].

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

Mr. MENENDEZ. Mr. Chairman, here we go again. If you followed this issue for some time, you concluded, as I have, that some Members simply have a fixation with doing everything they can to eliminate everything with Cuba broadcasting, and I think there is only one person who has greater desire of eliminating this service, and that is Fidel Castro himself.

Let me tell you what our colleagues to not hear in this debate. You do not hear a good-faith attempt to fix something and make it better. you have not heard one suggestion in that regard, just simply eliminate, eliminate, eliminate. The fact of the matter is I think we should have an investigation as to how the inspector general's not report, because it is not a report, because I called the inspector general. I said, ''Where is this report?'' And she said, ''It is not a report. I have it to some Members. I gave them the work product to date, but it is not a report.'' Imagine coming to the floor and painting it that way.

We should be defeating this. This is not in the best interests. We should have the opportunity to focus the board, that focuses on these moneys that we are spending, and we should ensure that we do not permit what is said in a newspaper that is not, in fact, truthful, because in fact, we do not have a final report, and we should have an investigation as to how that report was released and how it got to the press.

It is inconceivable to me to come to the floor and use that type of information which is incomplete and which does not serve the best interests of this institution.

Mr. Chairman, here we go again. If you have followed this issue for years you may have concluded as I have that some Members simply have a fixation with eliminating TV Marti. Only the brutal dictator, Fidel Castro may have a stronger fixation with eliminating this service.

Let me tell my colleagues what we do not see in the debate on TV Marti. We do not see a good faith attempt to fix something and make it better. I have not heard one—not one—suggestion that the service be improved from any of the Members cosponsoring this amendment.

Instead, what we see is a big attempt to do Fidel Castro's dirty work for him. Castro is desperately afraid of TV Marti because it broadcasts the truth to the Cuban people, which he denies them every day. He is so afraid of that TV signal that he spends millions of dollars, 15 to 20 fixed jammers, mobile land jammers, 40 full-time soldiers, and even helicopters he can scarcely afford, to jam its beam. Money he could use to feed a hungry people, he uses to deny them the truth.

We have the technology to get TV Marti to penetrate the dictator's airwaves. That is what we ought to focus on here. The Report of the Advisory Panel on Radio TV Marti has spoken clearly on this issue. More than 100 experts and individuals with relevant expertise were interviewed. The panel and its staff reviewed several thousand pages of written material. And here is what it said:

> The time has come to convert TV Marti from VHF to UHF transmission. The effort to probe this new approach will require approximately one year and one million dollars. But savings elsewhere during the year will more than offset this investment.

Let me add that money was already obligated. Just last week, the House voted nearly unanimously to require the USIA to begin a new Radio Free Asia service to Communist China. Today, we simply ask you to continue an already existing TV broadcast to Communist Cuba.

Presidents Reagan, Bush, and Clinton have spoken clearly about the need to support their vital broadcasting services to Cuba of Radio and TV Marti. In a letter President Clinton stated:

> By strongly supporting Radio and TV Marti I want to send a clear signal to those everywhere who struggle against tyranny. Radio and TV Marti make genuine contributions to the cause of human rights and democracy in the hemisphere. Both help promote short and long term U.S. foreign policy goals.

As I suggested earlier, we have been through this exercise before. Those of us with a strong interest in this issue agreed two years ago to a compromise which established an Advisory Panel on Radio and TV Marti. The members of the panel were agreeable to all involved, including the Members offering this amendment. The Panel was asked to assess and report on the ''purposes, policies, and practices of Radio and TV broadcasting to Cuba.''

In March 1994, out came the verdict, and it was clear: now more than ever we must maintain intact the services of both Radio and TV Marti.

These are but some of the more important conclusions of the report:

First, an overwhelming number of Cubans clearly consider Radio Marti to be the most authoritative source of news and information in Cuba'' (this is from a USIA in-country assessment on Cuba broadcasting; see Appendix I of the report).

Second, Cuban Government officials and elites regularly listen to Radio Marti and tune in to TV Marti.

Third, TV Marti can be an instrumental means for the United States to communicate with the Cuban people during a transition in Cuba.

Fourth, South Florida will be immediately affected by change in Cuba and so eventually will other locations in the U.S. State Department contingency plans envision a major role for Radio and TV Marti during a transition. Moreover, eivdence suggests that in times of severe crisis, people turn first to TV.

Fifth, were TV Marti terminated, it would be very expensive and take several months to initiate a new TV service during the transition. So, this amendment is not the cost-cutter its proponents claim.

Sixth, America has never responded to a recipient country's jamming of U.S. Government broadcasts by giving in to a dictators' wishes that those broadcasting services be terminated. But that is precisely what this amendment would have us do. America should not

succumb for the first time in history in the case of Cuba. Radio Free Europe, Radio Liberty, and Radio Marti all overcame jamming; so should and can TV Marti.

Mr. DIAZ-BALART. Mr. Chairman, I yield the remainder of my time to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Chairman, I thank the gentleman for yielding me this time.

My colleagues, it is first important to establish what this amendment is not about. The amendment would eliminate $180,000 in spending for the board of Marti. But, in truth, it has nothing to do with money. You see, the Federal Government has hundreds of boards for all kinds of different radio stations and operations. None of their money would be affected. Just this one. it affects Cuban Americans and broadcast into Cuba. It is not about money, it is about ideology, anything to undermine the fact that this radio station for these people is getting into Cuba to tell the truth.

You have been told that there is an I.G. report that is critical of the board. Let me tell you what you were not told, that Mr. Duffy, head of USIA, has called its release unauthorized, inappropriate. He has called for an ethics probe, said it does not reflect a genuine analysis of the situation. Indeed the President has had his own ethics board involved. It is potentially a criminal release of a one-sided analysis done for purely partisan and ideological purposes.

Mr. Chairman, this Congress has debated this issue year in and year out, and last year we called a truce. We asked that the USIA do a nonpartisan, objective analysis, and they did. They found this radio station effective, important for the United States Government interests, representing the views of this country, helpful in the process of getting the truth to the Cuba people.

They could not win on the merits. The study did not have what they wanted as a conclusion. So now, one way or another, there is an attempt to undermine Radio Marti.

This station is important for the foreign policy of this country. Reject this amendment. Keep the board and the radio station in place.

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

Mr. SKAGGS. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York [Mr. SERRANO] that would eliminate this corrupted and unnecessary board.

It is becoming increasingly clear that the outside board appointed to advise USIA on broadcasting to Cuba has been used as the tool for some elements of the Cuban-American community to exert undue and even improper political influence over the content of USIA news programs. On this point, please read the following article from the New York Times:

[From the New York Times, July 23, 1995]

CUBAN-AMERICA HAS MEDDLED IN RADIO MARTÍ, OFFICIALS SAY

(By Steven Greenhouse)

A Federal investigation into Radio Martí—a Government-financed station that broadcasts to Cuba—has found that the Cuban-American leader Jorge Mas Canosa improperly interfered with its operations, slanting its news coverage and influencing personnel decisions, officials familiar with the report said.

The report, prepared by the Inspector General of the United States Information Agency, details how Mr. Mas has systematically interfered in Radio Martí's day-to-day operations and concludes that the radio station has improperly retaliated against employees who protested such manipulation, the officials said.

Administration officials said Mr. Mas, as chairman of Radio Martí's advisory board, is supposed to provide general advice to the White House about Radio Martí and Television Martí, which are Federally financed networks broadcasting to Cuba, but he is not supposed to meddle in personnel decisions or day-to-day operations.

The Inspector General began preparing the report months ago after a senior Radio Martí news analyst complained that the network's management was seeking to dismiss him after he protested that the station's news director was trying to censor his analysis and was broadcasting biased news coverage.

Mr. Mas broke with the Clinton Administration in May after its decision to return Cuban boat people, but Administration officials insist that the Inspector General's report is in no way a response to that rupture.

In recent months, State Department officials and Joseph Duffey, director of the United States Information Agency, which is the parent organization of the networks, have accused Radio Martí of inaccurate reporting and of advancing Mr. Mas's political agenda while attacking Administration policy.

For example, Joseph Sullivan, chief of the United States Interests Section in Havana, sent a classified cable to the State Department in May complaining that Radio Martí's news coverage repeatedly attacked President Clinton's new immigration policy toward Cuba while trumpeting Mr. Mas's opposition to it.

Mr. Mas's defenders say the report, which was described by The Washington Post yesterday, is an effort by his enemies to pillory Mr. Mas, who as chairman of the Cuban American National Foundation is widely viewed as the nation's most powerful Cuban American.

''This is all part of a very long-standing campaign of political harassment of the office of Cuba Broadcasting,'' the agency that oversees Radio Marti and Television Marti, said Jose Cardenas, director of the Washington office of the Cuban American National Foundation. ''Jorge Mas has many political enemies in this town who may have latched onto to this device to take a chunk out of his hide.''

Mr. Cardenas said Mr. Mas was not available for interviews because he was traveling.

Marian Bennett, the Inspector General, refused to comment on the report's details, except to confirm that her office was investigating allegations of mismanagement, fraud and abuse at Radio Marti and Television Marti. She said she expected the report to be released in several weeks although an interim copy of the report was shown to several members of Congress.

Representative David Skaggs, a Colorado Democrat who saw the interim report, refused to discuss its details, but suggested that it heavily criticized Mr. Mas.

''Radio Marti has been subject to the manipulation and corruption by Jorge Mas Canosa,'' Mr. Skaggs said in an interview. ''He has had an undue and unlawful effect on an agency of the United States for serving his political ends.''

Officials said the State Department and the Information Agency were particularly upset in January when Radio Marti—at Mr. Mas's instigation—broadcast that the Administration was near an agreement to allow Cuban refugees being detained in Panama and at Guantánamo Bay into the United States. The officials said Mr. Mas knew that this was not true but arranged the broadcast to put pressure on the Administration to admit the refugees.

As evidence of Radio Marti's bias in favor of Mr. Mas's views, J. Richard Planas, the senior research analyst who Radio Marti sought to dismiss, said a study he prepared showed that Radio Marti broadcast 280 stories in favor of a bill to tighten the embargo against Cuba and only 70 stories against the bill, which Mr. Mas strongly backed.

In an interview Jay Mailin, a former news director at Radio Marti, said Mr. Mas had used the station to beam as much news as possible about him to further what are widely seen as his ambitions to be president in a post-Castro Cuba.

Two Radio Marti employees said in interviews that Agustine Alles, who had been the station's news director until he was transferred to Miami last month, often interrupted daily news meetings to take calls from Mr. Mas and then returned to report Mr. Mas's preferences in daily coverage.

''Alles thought his job was to make sure that the station reported on Mas 10, 20, 30 times a day,'' said Mr. Mallin, who said he was forced out as news director after criticizing the station's overall director. ''Alles spoke on the phone continuously to Jorge Mas.''

Mr. SKAGGS. So, while I support USIA's efforts to provide vital, unbiased news, I am convinced that it makes no sense to continue throwing good money into the unnecessary operation of the Advisory Board for Radio Marti.

Especially as we are reducing spending for important programs that benefit people in the United States, we need to stop wasteful foreign-affairs spending that does not advance our foreign policy and that uses tax dollars to subsidize political activities here at home. Vote for Mr. SERRANO's amendment.

We already have a USIA Board which supervises all international broadcasting and is perfectly capable of providing advice regarding Radio Marti, as well. A separate board for Cuban broadcasting is duplicative, which is bad enough. But it has also become the platform from which Mas Canosa as chairman has consistently exerted improper influence on station personnel and on the content of station broadcasting. He forced distorted news coverage by Radio Marti during critical periods earlier this year in which immigration policy was at an extremely delicate point, effectively trying to subvert official U.S. Government policy. He has, in short, corrupted the advisory board and the operations of Radio Marti. He is in a shameless conflict of interest given his other life as president of a special interest Cuban-American political organization. The best medicine is to rid USIA of the advisory board and, in the process, make good riddance of Mas Canosa.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SERRANO].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SERRANO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from New York [Mr. SERRANO] will be postponed.

AMENDMENT OFFERED BY MRS. MEYERS OF KANSAS

Mr. FORBES. Mr. Chairman, I ask unanimous consent to withdraw my demand for a recorded vote on the Meyers amendment.

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

Mr. WICKER. Mr. Chairman, reserving the right to object, how did the Chair announce that vote on the voice vote?

The CHAIRMAN. The ayes had it.

Mr. WICKER. That the ayes had it?

The CHAIRMAN. On the Meyers amendment, yes.

Mr. WICKER. Mr. Chairman, I withdraw my reservation of objection reluctantly.

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

Mr. LAFALCE. Mr. Chairman, reserving the right to object, what was the request that was made again?

Mr. FORBES. I requested unanimous consent to withdraw my request for a recorded vote.

Mr. LAFALCE. Further reserving the right to object, if this is an issue that will be settled, but if there is going to be an attempt made in conference or something or some other time in the future, I think that at some point in time there will not be.

Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

So, the amendment was agreed to.

The CHAIRMAN. Are there further amendments?

Mr. ROGERS. Mr. Chairman, I move to strike the last word.

I shall not take the full 5 minutes, because I think we have completed the amending process.

But let me quickly do two things: First, we would like to note a correction in the report on page 31 under INS construction, $5 million has been provided for the INS detention center in the western region of New York instead of the northeast region, as currently stated in the report.

Finally, Mr. Chairman, let me say a word of thanks for those who participated in this debate today. It has been a long day. We have done well. We have disposed of a lot of amendments. We have a good bill.

We urge its adoption.

Let me thank the members of the staff who have worked so long and hard on this bill, and you see them and you have watched them work today. We want to thank them. We want to thank the members of the subcommittee, especially my ranking member, the gentleman from West Virginia [Mr. MOLLOHAN], who has been a real soldier on this bill.

We urge its adoption.

Let me thank the members of the staff who have worked so long and hard on this bill, and you see them and you have watched them work today. We want to thank them. We want to thank the members of the subcommittee, especially my ranking member, the gentleman from West Virginia [Mr. MOLLOHAN], who has been a real soldier on this bill.

We urge its adoption. We thank the Members for their help.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not take 5 minutes.

I want to echo the sentiments of our chairman. We appreciate the hard work of all the members of the committee and the patience of the Members here today.

We urge passage of the bill upon disposition of the amendment.

We want particularly to thank the efforts of the chairman who has worked long and hard here today, and we appreciate the indulgence of all Members.

The CHAIRMAN. The Clerk will complete the reading of the bill.

The Clerk read as follows:

This Act may be cited as the ''Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996''.

□ 2145

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the order of the House of today, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 5, offered by Mr. MOLLOHAN of West Virginia; an unprinted amendment, offered by Mr. ENGEL of New York; an unprinted amendment, offered by Mr. SMITH of New Jersey to the Skaggs amendment; the underlying amendment, offered by Mr. SKAGGS of Colorado and amendment No. 37, offered by Mr. SERRANO of New York.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 5 OFFERED BY MR. MOLLOHAN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from West Virginia [Mr. MOLLOHAN] 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.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

This will be a 17-minute vote. Pursuant to the order of the House of today, 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 204, noes 223, not voting 7, as follows:

[Roll No. 580]

AYES—204

Abercrombie	Green	Olver
Ackerman	Gutierrez	Ortiz
Baesler	Hall (TX)	Orton
Baldacci	Hamilton	Owens
Becerra	Harman	Pastor
Beilenson	Hastings (FL)	Payne (NJ)
Bentsen	Hayes	Payne (VA)
Berman	Hefner	Pelosi
Bevill	Hilliard	Peterson (FL)
Bishop	Hinchey	Peterson (MN)
Boehlert	Hoke	Pickett
Bonior	Holden	Pomeroy
Borski	Houghton	Poshard
Boucher	Hoyer	Quinn
Brewster	Jackson-Lee	Rahall
Browder	Jacobs	Rangel
Brown (CA)	Jefferson	Reed
Brown (FL)	Johnson (SD)	Richardson
Brown (OH)	Johnson, E. B.	Rivers
Bryant (TX)	Johnston	Roemer
Cardin	Kanjorski	Rose
Chapman	Kaptur	Roybal-Allard
Clay	Kelly	Rush
Clayton	Kennedy (MA)	Sabo
Clement	Kennedy (RI)	Sanders
Clyburn	Kennelly	Sawyer
Coleman	Kildee	Schiff
Collins (IL)	Kleczka	Schroeder
Conyers	Klink	Schumer
Costello	LaFalce	Scott
Coyne	Lantos	Serrano
Cramer	LaTourette	Sisisky
Danner	Levin	Skaggs
de la Garza	Lewis (GA)	Skelton
DeFazio	Lincoln	Slaughter
DeLauro	Lipinski	Spratt
Dellums	Lofgren	Stark
Deutsch	Lowey	Stenholm
Dicks	Luther	Stokes
Dixon	Maloney	Studds
Doggett	Manton	Stupak
Dooley	Markey	Tanner
Doyle	Martinez	Tauzin
Durbin	Mascara	Taylor (MS)
Edwards	Matsui	Tejeda
Ehlers	McCarthy	Thompson
Engel	McDade	Thornton
Eshoo	McDermott	Thurman
Evans	McHale	Torres
Farr	McKinney	Torricelli
Fattah	McNulty	Towns
Fazio	Meehan	Traficant
Fields (LA)	Meek	Tucker
Filner	Menendez	Velazquez
Flake	Mfume	Vento
Foglietta	Miller (CA)	Visclosky
Ford	Mineta	Volkmer
Frank (MA)	Minge	Ward
Frost	Mink	Waters
Furse	Mollohan	Watt (NC)
Gejdenson	Montgomery	Waxman
Gephardt	Moran	Williams
Geren	Morella	Wilson
Gibbons	Murtha	Wise
Gilchrest	Nadler	Woolsey
Gilman	Neal	Wyden
Gonzalez	Oberstar	Wynn
Gordon	Obey	Yates

NOES—223

Allard	Barrett (NE)	Boehner
Andrews	Barrett (WI)	Bonilla
Archer	Bartlett	Bono
Armey	Barton	Brownback
Bachus	Bass	Bryant (TN)
Baker (CA)	Bereuter	Bunn
Baker (LA)	Bilbray	Bunning
Ballenger	Bilirakis	Burr
Barcia	Bliley	Burton
Barr	Blute	Buyer

Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gillmor
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Pallone
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
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

NOT VOTING—7

Bateman
Chenoweth
Collins (MI)
Dingell
Hall (OH)
Moakley
Reynolds

□ 2204

Mr. EWING and Mr. COOLEY changed their vote from ''aye'' to ''no.''

Messrs. BEVILL, GILMAN, and DOOLEY changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ENGEL

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York [Mr. ENGEL] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 188, noes 234, not voting 12, as follows:

[Roll No. 581]

AYES—188

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Boehlert
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clinger
Clyburn
Collins (IL)
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Doyle
Duncan
Durbin
Edwards
Engel
English
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Gonzalez
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Horn
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Mica
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Murtha
Nadler
Neal
Olver
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sanders
Schroeder
Schumer
Scott
Serrano
Sisisky
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Upton
Vento
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Williams
Wise
Woolsey
Wyden
Yates

NOES—234

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Dickey
Dixon
Doolittle
Dornan
Dreier
Dunn
Ehlers
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kennedy (MA)
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mfume
Miller (FL)
Molinari
Moorhead
Moran
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Roth
Royce
Sabo
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skaggs
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Traficant
Velazquez
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—12

Baesler
Bateman
Boehner
Burton
Chenoweth
Collins (MI)
Dingell
Hall (OH)
Hunter
Linder
Moakley
Reynolds

□ 2210

The Clerk announced the following pair:

On this vote:

Mr. Dingell for, with Mr. Hunter against.

Mr. GORDON changed his vote from ''aye'' to ''no.''

so the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY TO THE AMENDMENT OFFERED BY MR. SKAGGS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey [Mr. SMITH] to the amendment offered by the gentleman from Colorado [Mr. SKAGGS] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 285, noes 139, not voting 10, as follows:

[Roll No. 582]

AYES—285

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Bartlett
Barton
Bass
Bentsen
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Christensen
Chrysler
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doolittle
Dornan
Doyle
Dreier
Dunn
Durbin
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Everett
Ewing
Fawell
Fazio
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Gekas
Gephardt
Geren
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Richardson
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Torricelli
Traficant
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—139

Abercrombie
Baesler
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bishop
Bonior
Borski
Boucher
Brown (CA)
Bryant (TX)
Chapman
Clay
Clayton
Clement
Clyburn
Collins (IL)
Conyers
Costello
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
Doggett
Dooley
Duncan
Edwards
Eshoo
Evans
Farr
Fattah
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Furse
Ganske
Gejdenson
Gibbons
Gilchrest
Gonzalez
Gordon
Hamilton
Harman
Hefner
Hilliard
Hinchey
Holden
Jacobs
Jefferson
Johnson (CT)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennelly
Kleczka
Klink
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
McCarthy
McDermott
McHale
McKinney
McNulty
Mfume
Miller (CA)
Mineta
Minge
Mink
Moran
Morella
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Payne (NJ)
Pelosi
Poshard
Rangel
Reed
Regula
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Serrano
Shuster
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Thompson
Thurman
Torres
Towns
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Woolsey
Wyden
Wynn
Yates

NOT VOTING—10

Bateman
Chenoweth
Collins (MI)
Dingell
Hall (OH)
LaFalce
Matsui
Moakley
Peterson (FL)
Reynolds

□ 2217

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PETERSON of Florida. Mr. Chairman, on rollcall vote 582 I was unavoidably detained. Had I been here, I would have cast an ''aye'' vote.

Mr. SKAGGS. Mr. Chairman, I move to strike the last word. Mr. Chairman, so that Members will not be confused, I do not intend to ask for a recorded vote now on the Skaggs amendment as amended. We would proceed with the Serrano amendment.

PARLIAMENTARY INQUIRY

Mr. ROGERS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROGERS. Mr. Chairman, since there is not a rollcall vote on the Skaggs amendment, is the next vote the Serrano amendment, which would be number 5 in the normal order?

The CHAIRMAN. To be perfectly clear, the next vote is on the Skaggs amendment, as amended. It is our hope it will be approved by voice. Once that is approved by voice, the next vote under the pending business will be the Serrano vote.

AMENDMENT OFFERED BY MR. SKAGGS, AS AMENDED

The CHAIRMAN. The pending business is on the amendment offered by the gentleman from Colorado [Mr. SKAGGS], as amended.

The amendment, as amended, was agreed to.

AMENDMENT NO. 37 OFFERED BY MR. SERRANO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York [Mr. SERRANO] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 150, noes 277, not voting 7, as follows:

[Roll No. 583]

AYES—150

Abercrombie
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Bryant (TX)
Clay
Clayton
Clement
Clyburn
Collins (IL)
Conyers
Cooley
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Dixon
Doggett
Dooley
Durbin
Edwards
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Furse
Ganske
Gejdenson
Gilchrest
Gonzalez
Gordon
Harman
Hayes
Hefner
Hilliard
Hinchey
Hoekstra
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennelly
Kolbe
LaFalce
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Matsui
McDermott
McHale
McKinney
McNulty
Mfume
Miller (CA)
Mineta
Mink
Montgomery
Moran
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Poshard
Rangel
Reed
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Skaggs
Slaughter
Smith (MI)
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Thompson
Thornton
Thurman
Torres
Towns
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Woolsey
Wyden
Wynn
Yates

NOES—277

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martini
Mascara
McCarthy
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Mollohan
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Paxon
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Richardson
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Torkildsen
Torricelli
Traficant
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—7

Bateman
Chenoweth
Collins (MI)
Dingell
Hall (OH)
Moakley
Reynolds

□ 2226

Mrs. CUBIN and Mr. SPRATT changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. MARTINI. Mr. Chairman, I rise today in defense of an organization that rises in defense of the poor and underprivileged of our country every day. The Legal Services Corporation was created under a Republican President and had at the outset very laudable goals: helping to give a sense of inclusion in the legal process and respect for the rule of law to the least wealthy of our society.

Perhaps there have been abuses of this program in the past. As with any government program, those activities considered by some to be abusive can be and have been addressed. But eliminating this important program would be a quintessential case of using a meat cleaver where a scalpel is desperately needed and much more appropriate.

At the core of this program is still the belief that even the least influential members of a society should have a voice in the legal proceedings that determine the way in which that society is ordered. The members of the Appropriations Committee have tried to return us to this commitment, and that commitment is what we as a body must continue to guarantee our least fortunate.

LSC, just like every program, must be reevaluated and prepared to share in the effort to balance the budget. But it has been reexamined and it will share in the effort to balance the budget: further cuts could render this program very inadequate.

I urge my colleagues to refrain from swinging the budget ax down on the LSC. Legal services for the poor is something no democracy can go without.

Mr. ABERCROMBIE. Mr. Chairman, I rise today to voice my serious concern regarding the decision to eliminate funding for the East-West Center in H.R. 2076, the Commerce, Justice, State and the Judiciary Appropriations Act for Fiscal Year 1996.

For those of my colleagues not familiar with the East-West Center it is a national education institution administered by a public, nonprofit educational corporation under a grant from the United States Information Agency. Established by the Mutual Security Act of 1960 (Public Law 86–472) the East-West Center promotes better relations and understanding between the United States and the nations of Asia and the Pacific through cooperative programs of research, study, and training.

The friendly relationships that exist today between the United States and the countries of Asia and the Pacific can be attributed in many ways to the East-West Center's work. More than 20 countries in the Pacific region, including Japan, Korea, Taiwan, Fiji, Indonesia, Papua New Guinea and even Bangladesh and Pakistan acknowledge the value of the East-West Center's programs by their cash contributions. The East-West Center was one of the early institutions involved in the Asia Pacific Economic Cooperation [APEC] process.

Congress and governmental agencies, such as the Department of State, Department of Energy, and the Agency for International Development [AID], utilize the Center for advice and information. In fact, the Clinton administration acknowledged the value of the East-West Center by including it in their fiscal year 1996 budget request.

Given the continued rise of Asia as the fastest growing economic region in the world, and the critical role of Asia in our economic future, it is more important than ever that we continue to support the East-West Center.

Ms. PELOSI. Mr. Chairman, I rise today in the support of the substitute amendment offered by Mr. ROGERS and Mr. MOLLOHAN to H.R. 2076, the Commerce, Justice, State Appropriations bill for fiscal year 1996.

This amendment will restore funding for several important programs under the jurisdiction of the National Oceanic and Atmospheric Administration [NOAA], including the Coastal Zone Management Act and the National Marine Fisheries Service thereby allowing marine research and preservation efforts on our Nation's coastlines to continue. The hazards plaguing our coastal waters have multiplied at an alarming rate as the coastal population has grown. Since 1950, the coastal population has grown over 80 percent.

In addition to their environmental significance, America's coastal resources support many key industries. For example, coastal resources sustain a national travel and tourism economy that generates billions of dollars annually.

Our coasts also provide habitat and spawning areas for 70 percent of the Nation's commercial and recreational fisheries. America's marine sanctuaries and coastal resources also provide much-needed sites for recreation, education, inspiration, and personal exploration.

Mr. Chairman, I also rise to offer my support for the amendment offered by Mr. FARR. This important amendment provides funding for the marine sanctuaries around our coastline.

The Gulf of the Farallones National Marine Sanctuary, located off the coast of San Francisco, is an excellent example of the successes achieved by the Sanctuary program. Since its designation in 1981, the Farallones Sanctuary has participated in various community partnerships ranging from the creation of a volunteer shoreline monitoring program to the development of a marine learning center in San Francisco.

The Sanctuary combines a spectrum of marine habitats with a tremendous diversity of marine life. Giant kelp, dungeness crab, the endangered Blue Whale, elephant seals, and the largest concentration of breeding seabirds in the continental United States are just several of the marine species found in the Sanctuary. The Farallones Sanctuary also contains highly productive commercial fisheries, shipping lanes, and private mariculture operations.

Mr. Chairman, without these amendments, the successful partnerships that NOAA has forged between communities, industries, and universities to protect the Nation's pristine marine environments through research, education and management would be difficult, if not impossible, to continue.

We are a coastal nation, predominantly surrounded by water. The health of our Nation depends on how we protect these waters and their living treasures.

Miss COLLINS of Michigan. Mr. Chairman, I rise to strongly oppose any cuts in funding for the Legal Services Corporation, a move that would effectively shut millions of Americans out of the justice system.

For almost 30 years, federally funded Legal Services programs have promoted confidence

by low-income Americans in our system of laws. These Americans, like all of us, need to believe there is a real system in place to resolve disputes ranging from consumer fraud and housing issues, to domestic relations problems.

Mr. Speaker, I am particularly concerned about the effect such cuts would have on many of the people who live in my district in Detroit, who rely on the pro bono assistance provided by the Legal Services Corporation. Without some kind of legal aid, the Nation's poorest citizens, including many of my own constituents, would have no recourse against unscrupulous merchants, no help in arranging adoptions or enforcing child support orders—in short, no access to the American legal system.

Families facing unjust evictions, disabled Americans who have to fight bureaucracy, women whose lives are threatened daily by domestic violence—these are the victims if the Legal Services Corporation loses funding. Helping such people is the essence of democracy.

My Republican colleagues who want to do away with a Federal tradition of funding legal services for our Nation's poorest citizens would be wise to remember the words of one of their own former Presidents, who in successfully promoting the 1974 bill to fund Legal Services, said the program should ''become a permanent and vital part of the American system of justice.''

I urge my colleagues to think twice before they do away with one of the few remaining resources that protects the rights of the poor.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in opposition to H.R. 2076, the fiscal year 1996 Commerce-Justice-State appropriations bill.

One of the most disturbing provisions of H.R. 2076 is the huge cuts for the Legal Services Corporation [LSC] and the restrictions placed on LSC grantees. Since LSC was created in 1975 with President Nixon's support, the LSC has successfully provided assistance to millions of Americans who would otherwise be unable to afford legal representation. If only Americans who can pay for a lawyer have the chance to be legally represented, then the term justice has no meaning to a large portion of America. Clearly, in a nation like ours, it is vital that the justice system is open to all Americans, not just those who can afford it.

Already, LSC turns away 43 percent of eligible clients because its resources are so limited. The cuts in H.R. 2076 will reduce their ability to serve poor Americans even further. I am also concerned about H.R. 2076's impact on the National Clearinghouse for Legal Services. The clearinghouse, which is in my congressional district, provides much-needed resources and training to legal service agencies across the country and to lawyers working pro bono to provide legal assistance to poor Americans. In addition, the clearinghouse publishes the Clearinghouse Review of Poverty Law which provides updated analyses of legal developments in poverty law.

Also, I want to voice my concern about H.R. 2076's lack of funding for the Violence Against Women Act and the Community Oriented Policing Services Program [COPS]. The Violence Against Women Act and COPS program are intended to fill gaps in our anticrime efforts. Without funding, however, these important efforts will be completely undermined. Just last year, Congress passed the Violence Against Women Act with unanimous, bipartisan support. This year, we are effectively abolishing the act by not providing sufficient funding for it. That is clearly giving with one hand and taking it back with the other. I doubt most Americans support this type of backdoor reneging on such important anticrime laws.

Mr. Chairman, I intended to oppose H.R. 2076 and I urge my colleagues to do the same.

Mr. RICHARDSON. Mr. Chairman, I am most concerned about, and opposed to, the cuts to Indian legal service programs in H.R. 2076, the fiscal year 1996 Commerce, Justice, State, and Judiciary appropriations bill. In the bill, the Appropriations Committee has not only reduced funding of the Legal Services Corporation from $400 million to $278 million—a 30 percent reduction—but the committee also eliminated the separate line item for native American program funding, which last year provided $10 million in funding. These actions will undoubtedly end in the termination of many Indian legal services programs.

Why is this Congress again abandoning those who need our help the most? Across countless Indian reservations, Indian legal services are the only source of legal aid to the poor and lawyerless. When 51 percent of American Indians living on reservations live below the poverty line, when Indian children have the highest dropout rate of any minority group, when 20 percent of Indian homes lack toilets, and when reservation unemployment levels average 50 percent and run up to 80 percent, who else but Indian legal services attorneys can they turn to for legal assistance?

I hope that those who still feel that Congress should cut the funding for Indian legal services will at least read the well-written and researched editorial, which I have attached, that describes the destructive effects that these cuts will have on Indian country.

Presently there are 33 Indian legal services programs in existence. The $10 million in fiscal year 1995 funding made possible the work of approximately 150 attorneys, paralegals, and tribal court advocates serving clients on over 175 Indian reservations as well 220 Alaska Native villages. The work of these attorneys has helped tribes develop tribal courts and create programs for the prevention of domestic abuse and violence. In addition, legal services attorneys provide family counseling, child support enforcement, and help ensure the delivery of health care services to the poor, elderly, and disabled. In large Western Indian reservations, Indian legal services attorneys are often the only attorneys available in areas as large as the State of Connecticut. In Oklahoma, a staff of only 4 legal services attorneys is responsible for serving over 150,000 eligible people from 38 tribes. Cutting the funding for native American legal services will have a devastating effect on these and other Indian programs.

There is one more problem with this bill. The bill requires that Indian legal services programs compete for the remaining funding under a census-based formula—a scheme that will result in even further cuts to these programs which already are set to undergo drastic reductions. The current legal services line item funds Indian legal services programs at a level that is three to four times greater than the actual number of reservation-based individuals listed in the 1990 census. Past studies have justified the need for increased funding for Indian legal services by as much as seven times the numbers that a straight census-based formula would yield. Increased funding on a non-census basis helps overcome such factors as geographic remoteness, access to legal resources, and language and cultural barriers.

Census-based funding also ignores the unique relationship between the Federal government and the Federal Government's prior recognition that census-based funding is unworkable. Since the inception of the Legal Services Corporation in 1974, it has been conceded by both Democrats and Republicans that effective legal services for Indians cannot be provided strictly on census-based numbers because: One, many tribes are not large enough to justify the funding of even one lawyer; and two, actual operating costs for Indian legal services attorneys are much higher than for other legal services programs because of remoteness and the unavailability and high costs of goods and services on reservations.

It is unconscionable, and a violation of this country's trust responsibility to native American tribes, that this Congress would eliminate the Indian people's most reliable access to the American system of justice. For the past 30 years, Indian legal services have become an integral part of this Nation's promise of equal access to justice. This bill will literally result in the denial of justice to the native American people.

[From the Washington Post, Apr. 15, 1995]

LAWYERS DOING GOOD

(By Colman McCarthy)

In the current assaults on lawyers, among the undeserving of scorn is the small, nearly invisible band of attorneys whose clients are Native Americans. They toil for Indian Legal Services in such outposts as Window Rock, Ariz., and Penobscot, Maine, and serve poor people in tribes ranging from the well-known—Navajos; Sioux and Cheyenne—to the less known: Menominees of Wisconsin, Houmas of Louisiana and Shinnecocks of Long Island.

Some cutters in Congress—budget cutters, deal-cutters, corner-cutters—have announced that federal funding should stop for the Legal Services Corp., of which Indian Legal Services is a part.

From its origins in 1966 with the Office of Economic Opportunity, and its rebirth in 1974 as a federally supported independent corporation, Legal Services has had a client list of the indigent and habitually lawyerless. This year's budget is $415 million, which covers the work of 4,600 lawyers—starting salaries are as low as $22,000—in 320 programs.

The caseload involves civil law which, for the poor, is really underdog law. An estimated 70 percent of America's lawyers work for 10 percent of the population. For those who are billable, there is one lawyer per 300 people. For those who aren't, Legal Services supplies one lawyer for 6,000 to 7,000 people.

If the destructive plans of Rep. John Kasich, the Ohio Republican who chairs the House Budget Committee, and Sen. Phil Gramm, who fantasizes that he should be president, are fulfilled and Legal Services goes under, the severest losses will be felt by the 2 million tribal Americans who have only 150 lawyers and paralegals between them and despair. Eleven Indian Legal Services programs are operating with 22 smaller offices folded within state agencies. Their share of the corporation's $415 million is $10 million.

The practice of Indian Legal Services in Wisconsin is typical. The state has 11 tribes,

with three lawyers in an office located in Wausau. The senior attorney is James Botsford, who went into Indian law immediately after graduating from the University of North Dakota law School in 1984. What inspired him then is what drives him now: going to the office every day and knowing deep in his soul that if he weren't there serving his clients they wouldn't be served at all. How many Wall Street or K Street lawyers can say that?

''There aren't many attorneys in the north woods of Wisconsin,'' Botsford says. ''And precious few of those who are here have an interest, or even willingness to take Indian law cases. With all the poverty, remoteness and unique Indian law issues, we are able to provide legal help in only a small percentage of the cases that come up.''

Among other puzzlements, Botsford wonders why Republicans have it in for Legal Services: ''Much of our work in Wisconsin in consistent with the values that Republicans say they stand for—keeping families together, helping people to get off welfare, protecting families when there is violence in the home.''

Others also are at a loss to figure out why Republicans are picking on Legal Services. In the April 10 National Law Journal. Bruce Kauffman, a former justice of the Pennsylvania Supreme Court and now a senior partner in a Philadelphia law firm, identifies himself as ''a conservative Republican'' who has ''spent the better part of my life fighting for Republican candidates and causes.''

Kauffman confesses to having once swallowed whole the falsity that Legal Services lawyers were agitators pushing ''their social service agenda. Over time, however, I came to realize that the [program] acts very much like a law firm for the poor, helping individual clients grapple with personal problems that threaten to overwhelm them. Without these services, they have no recourse.''

In his article—titled ''A Conservative Plea to Save LSC''—Kauffman pledges—''I simply cannot stand by and watch the gutting of federal legal aid efforts on behalf of the poor.''

For Indian Legal Services lawywer, Judge Kauffman is a welcome ally. And a natural one, too. As the four attorneys serving 38 tribes out of the Oklahoma Indian Legal Services office, or the one lawyer in the Dakota Plains Legal Services or any other tribal lawyers could explain the program has always had bipartisan support—from Richard Nixon to Hillary Clinton.

All the more perplexing that Kasich, Gramm and other enemies of Legal Services are out to destroy what so many others have praised. Are they that our of touch?

Mrs. MORELLA. Mr. Chairman, I had intended to offer an amendment to restore funding in the bill for the State Justice Institute. Since filing the amendment, I have realized that a number of Members are not familiar with the work of the State Justice Institute, thereby leading me to conclude that now is not an opportune time to debate SJI funding. I will not offer the amendment.

But I want to let my colleagues know that there is a clear Federal interest in supporting programs like SJI, which promotes a just, effective, and innovative system of State courts. State courts have been the beneficiaries of more than 800 projects improving the quality of the justice they deliver, and the Federal judiciary has worked closely with SJI to improve the working relationship between the State and Federal courts.

Federal assistance to State courts is as appropriate as Federal assistance to State law enforcement, prosecution, and corrections agencies. By helping the State courts to deliver justice more efficiently and effectively, SJI promotes their greater use by litigants, thereby reducing the number of cases filed in Federal court. Continued funding for SJI would provide the Administration and Congress with the opportunity to improve the State courts' response to important issues, such as family violence, the rights of children, drug abuse, and crime.

As a Member of Congress who has been active on the issue of domestic violence, I can attest to SJI's many contributions in improving the State courts' response to family violence. For example, the State Justice Institute is the entity responsible for implementing my legislation, approved by Congress in 1992, to develop training programs for judges and other court personnel about domestic violence, especially its impact on children, and to review child custody decisions where evidence of spousal abuse has been presented.

The Judicial Training Act addresses problems that many battered women have when they step into the courtrooms in this country to fight for custody of their children or to fight for equal justice in criminal cases. The response of our judicial system to domestic violence has been one of ignorance, negligence, and indifference, often with tragic consequences. The State Justice Institute has moved expeditiously to implement this act, and it has provided important assistance in improving the State courts' response to family violence.

Federal policies can have serious consequences for the State courts and often impose substantial responsibilities on the State courts. The State justice Institute has provided important Federal assistance to help the State judiciaries cope with federally-imposed burdens, such as the Child Support Enforcement Act of 1984, the Family Support Act of 1986, and the Adoption Assistance and Child Welfare Act of 1980. These Federal programs should be accompanied by Federal assistance for State courts to meet these increased demands. The State Justice Institute has filled this important role.

Mrs. MINK of Hawaii. Mr. Chairman, I rise today to express my profound regret and disappointment that the Republican Majority has eliminated all funds for the East-West Center in the Commerce, Justice, State Appropriations Bill. This short-sighted decision, simply for the sake of reaching a zero deficit in 7 years, will have serious consequences on the United States' ability to function as an economic and military power in the Pacific.

The elimination of all Federal funds signifies the end of the East-West Center. The Center was established by the Congress 35 years ago to foster mutual understanding and cooperation among the governments and peoples of the Asian-Pacific region. In the past 35 years it has become one of the most highly respected institutions in the world for its expertise in Asian-Pacific issues and for its work in promoting international cooperation throughout the region. The friendly relationship the United States enjoys with many countries in the Asian-Pacific region can be attributed to the Center's work over the past 35 years.

Over 53,000 Americans, Asians and Pacific Islanders from over 60 nations and territories have participated in the East-West Center's educational, research and conference programs. Research conducted by the Center has provided a wealth of information on issues ranging from peace and military conflict, nuclear proliferation, implications of rapid economic growth, future of energy supply, population control, and social and cultural changes in the region.

The Center has achieved it greatest success through its educational programs for undergraduate and graduate students. The Center has had annual enrollment in recent years between 200–300 students. These students have gone on to become ambassadors, scholars, statesmen and business leaders who now have tremendous influence in the policy decisions of their respective countries (including the United States). They all carry with them the knowledge and experience gained at the East-West Center which in turn has helped the United States foster relationships with Asian and Pacific countries and promote U.S. interests in this region.

Not many people know that the East-West Center was in fact the brain-child of the great visionary Lyndon B. Johnson. It was his foresight and recognition of the increasing significance of the Pacific Region and the United States role in that future of this region. The United States is as much a part of the Asian-Pacific region as any other country. With States and territories bordering and within the Pacific region, the U.S. has just as much to win or lose in the economic and political future of this region.

The significance of the East-West Center in the United States' future in this region cannot be underestimated. It is inconceivable to me that this Congress which 35 years ago understood the importance of Lyndon Johnson's vision for American participation in the Asian-Pacific region would now act to close down one of our greatest resources for information on and cooperation with the countries of the Asian-Pacific Region.

Mr. Chairman, Johnson's clarion call to prepare the United States for a time when the Asian-Pacific countries would be among the most profitable and powerful in the world is even more relevent today than it was 35 years ago. The challenges facing this region and their implications for the U.S. have only increased in recent years. The danger of nuclear proliferation, ethnic and religious conflict, rapid economic growth, human rights issues in this region continue to fill the pages of the newspapers on a daily basis. We cannot afford to lose the East-West Center during these critical times.

I strongly oppose the elimination of all federal funding for the East-West Center. It is a short-sighted effort to reduce federal costs which in the long-term will only result in greater costs to our nation, not only in financial terms, but also in terms of our economic and political future in the Asian-Pacific region.

Mr. PACKARD. Mr. Chairman, as the House considers the 1996 Commerce, Justice, State, and the Judiciary Appropriations Act, I would like to remind Members of the Appropriations Committee's decision to prohibit any groups that receive Federal funds from engaging in any political advocacy efforts. This important decision marks another step toward ensuring that tax dollars go where they're really needed and not toward political causes the taxpayer may not support.

When deciding upon funding for the Legal Services Corporation we should apply the same reasoning. Democrats may try and portray the Corporation as simply a non-partisan body which provides legal access to the poor.

This may have been the intention of its founders, but sadly, today, nothing could be further from the truth. Instead the Legal Services Corporation is more focused on advancing grand social causes than helping the poor with ordinary legal problems. It has become an unaccountable lobbying group, and as such it is not a worthy recipient of Federal funds, especially in our time of fiscal restraint.

There are numerous examples of Legal Services Corporation abuses of taxpayer's money. For instance, LSC money was used to produce a brochure explaining how welfare recipients who get a large cash windfall, such as lottery prize or insurance settlement, can keep the windfall and stay on welfare. In addition, the LSC works to limit the ability of housing authorities to evict drug dealers from public housing projects. LSC lawyers file suits to block these evictions, thereby putting the law-abiding tenants at risk. The LSC is not committed to the poor, it is only committed to promoting its own radical liberal agenda.

It is time that we send a strong message to lawyers all over the country who have manipulated the LSC to serve themselves and their political crusades. The party is over! You can no longer ride free at the expense of the American taxpayer. The Republican majority in this Congress has declared its intention to stamp out such fraudulent abuses of taxpayer's money. Reducing funding for the Legal Services Corporation is the next step toward this goal.

Mr. MARTINI. Mr. Chairman, I rise in opposition to the amendment proposed by the gentleman from West Virginia, which would eliminate $30 million earmarked for reimbursements to States for the costs of incarcerating criminal aliens.

In the United States there are over 50,000 prisoners in State and Federal facilities who are not American citizens. The incarceration of criminal aliens costs taxpayers' between $15,000 and $30,000 per inmate annually.

Last year, American citizens spent between $800 million and $1½ billion feeding, clothing, and housing illegal aliens.

It is a grave injustice to hold New Jersey and other State residents accountable for the Federal Government's failure in it's inability to control its national borders.

The House took steps to remedy this problem when it passed the Violent Criminals Incarceration Act earlier this year. A provision in the bill, authored by my good friend from California [Mr. GALLEGLY], authorizes $650 million per year for reimbursements to States for incurring this burden.

The bill before us today sets aside $500 million for such reimbursements to States, and this proposed amendment would reduce that amount by $30 million.

Mr. Chairman, the message from the American people is clear. Illegal immigration has taken a toll on this country. Illegal aliens who commit crimes and end up exacting not only personal costs to the people they hurt but also economic costs to those same people in the form of their tax dollars footing the bill for incarceration.

Mr. Chairman, I ask my colleagues to oppose this amendment.

Mr. GEJDENSON. Mr. Chairman, I rise in opposition to this bill. The drastic cuts made by the Appropriations Committee threaten our efforts to combat violent crime, to protect our ocean and coastal environments and to remain competitive in the global marketplace.

In 1994, the Congress passed the most comprehensive measure to fight violent crime in our Nation's history. The crime bill represents a balance between punishment and prevention which directs resources to the state and local level where the majority of crime fighting occurs. It will put 100,000 new police on the streets in neighborhoods nationwide and ensure that they are engaged in community policing. Community policing is an innovative approach to law enforcement which is widely credited by police, citizens and community leaders with substantially reducing criminal activity and improving relations between our police and citizens. The law provides funding for prisons, closes the revolving door which allows violent, repeat offenders out on to the street time and time again, and directs substantial resources to combating illegal immigration.

Finally, and very importantly, the crime bill provides billions of dollars for a wide range of locally designed and implemented efforts to prevent crime before it occurs. Prevention programs target young people before they become involved in crime and given them alternatives, including educational, vocational and recreational opportunities. Prevention programs also make good fiscal sense because programs can serve an entire community for what it costs to send a single person to prison for a year.

Early in this Congress, my Republican colleagues brought forth a series of bills which destroy the balance in the crime bill. As my colleagues know, these bills have literally been sitting in the other body for months. Perhaps out of frustration the Appropriations Committee is now attempting to carry out these policy changes by reordering spending in accordance with several of these bills. This is a blatant example of legislating in an appropriations bill. This action shows that some of my Republican colleagues are willing to use appropriations bills to effect changes that they are unable to enact into law through the normal process. This policy is disturbing in and of itself, but is more alarming because neither the bill nor the report provides guidance on what to do if the House-passed bills are not enacted into law by the start of the fiscal year. If the bills cited in H.R. 2076 do not become law, will funds to combat violent crime be allocated under the crime bill or will funding be cut off completely? These questions must be answered before the House moves forward.

The bill eliminates the COPS program, drug courts, crime prevention block grants, and assistance for rural law enforcement.

The COPS program has already put more than 20,000 police on the streets across the country, including two dozen in eastern Connecticut. The Justice Department has developed an application process which is straightforward and user-friendly. The program is supported by nearly every major police organization, including the Fraternal Order of Police, National Association of Police Organizations, and the International Brotherhood of Police Officers, as well as the U.S. Conference of Mayors. It boggles my mind that the committee would eliminate drug courts when drug-related crimes are clogging our criminal justice system. In addition, the bill eliminates prevention block grants and makes prevention an afterthought in the new Local Law Enforcement Block Grant Program. This change is completely counterproductive and will result in additional spending in the future.

Finally, the bill provides $100 million less than requested to support programs under the Violence Against Women Act. Domestic violence and spouse abuse are serious crimes which we have failed to adequately address in this country. The crime bill focused on this issue by toughening penalties and providing financial support for counseling, education and other programs designed to increase arrest rates and prosecutions of violators. Instead of following through on our commitment to millions of women across the country, the committee dramatically underfunds these efforts. These cuts will have real world implications for countless women who will continue to be abused, injured and killed because the Republican-led Congress failed to provide the resources necessary to combat domestic violence on all fronts. It is disturbing to me that the committee was able to allocate $300 million, $200 million more than requested, to offset the costs of incarcerating aliens while it slashed support for efforts to combat domestic violence. While women in every State in the Nation would benefit by funding violence against women programs at the level requested, only a handful of States will benefit from the alien incarceration provision. I urge my colleagues to consider this inequity when deciding how to vote.

Much to the credit of Chairman ROGERS and Ranking Member MOLLOHAN, H.R. 2076 does not abolish the Commerce Department. However, it makes deep cuts in agencies and programs which are vital to assessing our environment, protecting our coastal communities, and ensuring that our fisheries and other marine resources continue to support economic activity into the next century. In addition, the bill deals a blow to efforts to promote tourism by eliminating the U.S. Travel and Tourism Administration [USTTA]. Moreover, by eliminating initiatives such as the Advanced Technology Program [ATP], this bill jeopardizes efforts by U.S. companies to develop high-technology products which are absolutely essential for maintaining our position in the global economy in the next century.

As a representative of a coastal district and State, I am especially opposed to cuts in the National Oceanic and Atmospheric Administration [NOAA]. The bill slashes funding for NOAA by nearly $200 million below the current fiscal year and more than $350 million below the administration's request. Cuts of this magnitude will deal a serious blow to scientific research designed to assess global climate change, fisheries and coastal habitats. It is ironic that while many of my Republican colleagues are dramatically reducing support for scientific research they are demanding that decisions affecting our environment be based on sound science.

The cuts in NOAA have many implications for one half of our Nation's population which lives along our coasts. The bill reduces grants to states under the Coastal Zone Management Act [CZMA] by $9.5 million below this fiscal year. Currently, 29 of 35 coastal States have approved management plans and receive Federal support to assist in the implementation of those plans. It is important to note that States must match Federal support on a dollar-to-dollar basis. Five other States are in the process of developing plans. By slashing support by nearly $10 million, the bill jeopardizes efforts

to finalize the remaining plans and undermines activities in the other States to successfully protect marine environments. In addition, the committee eliminates all funding—$5 million—to support State efforts to reduce coastal nonpoint source pollution. This cut is especially egregious when one considers that nonpoint source pollution is responsible for at least 50 percent of our remaining water pollution problems. These cuts mean that 29 States from Maine to California and Pennsylvania to Florida will receive $15 million less to address these important issues. My State of Connecticut will see support slashed by $444,000—a 37 percent reduction. This cut will adversely impact our efforts to safeguard our most important natural resource—Long Island Sound. These cuts are merely one example of the real world implications of H.R. 2076.

In another blow to important scientific research, the bill eliminates the National Undersea Research Program [NURP]. As the only national program specializing in research in our oceans and Great Lakes, NURP supports scientists involved in a wide range of research efforts relating to fisheries, marine habitat, and environmental technology development. This research is central to the mission of NOAA. In addition, NURP researchers are among a very small group of scientists who specialize in the use of manned and unmanned submersibles and mixed gas diving. Underwater robots and manned submarines allow scientists to conduct important experiments and observations which are impossible using surface-based techniques. This research is highly technical and requires years of experience to master. The National Undersea Research Program provides invaluable assistance to NOAA in carrying out its core mission to ensure the health of our marine environment and the sustainability of its resources. Eliminating NURP further undermines the ability of NOAA to provide the scientific data necessary to ensure that every American can enjoy the benefits of our coastal resources.

Finally, the bill deals a devastating blow to the National Marine Fisheries Service [NMFS] by cutting its budget by $84.5 million below the administration's request. This cut is a direct assault on thousands of communities nationwide which rely on fishing for their economic survival. This cut is especially damaging for fishermen in New England. As my colleagues may know, commercial fishing in the northeast has been sharply reduced as stocks of cod, haddock and flounder have collapsed. Overfishing and habitat destruction are largely to blame for restrictions which have closed areas of Georges Bank and forced fishermen to idle their boats for days at a time. Unfortunately, many other parts of the country face similar disasters as an increasing number of stocks are being overfished or harvested to the maximum sustainable level.

In order for fishing to become viable again in my part of the country, the NMFS must have the resources to accurately assess the current status of stocks, to develop and implement rebuilding plans, and to monitor the effects of these plans to determine when stocks have recovered. The cuts contained in this bill will not allow NMFS to effectively carry out these duties. For example, the bill cuts data collection and analysis, conservation and management operations, and State and industry assistance programs well below the administration's request and the fiscal 1995 level. This is just another example of the counterproductive cuts in this bill which will make it even more difficult to address pressing national problems. Moreover, these cuts could rob the economy of nearly $3 billion which NMFS estimates will be generated when fish stocks are recovered. Rather than gutting fishery conservation and development efforts, we should be investing in these areas so that we can enjoy the economic benefits in the future and avoid the mistakes of the past.

I urge my colleagues to support an amendment to be offered by Mr. MOLLOHAN which will restore funding for CZMA grants, the NMFS and the National Marine Sanctuary program. This amendment will restore CZMA funding to the fiscal 1995 level and will provide badly needed funds to the NMFS to carry out vital fishery assessment, monitoring and rebuilding efforts. While these programs are vitally important to coastal communities, fishing, tourism, and other economic activities dependent on a healthy marine environment generate billions of dollars for the national economy. With that in mind, I urge my colleagues to support this important amendment.

Mr. Chairman, H.R. 2076 provides funding for some of our most vital Federal programs. Among governmental functions, law enforcement is one of the most significant. Unfortunately, this bill dramatically alters the balance of the crime bill and undermines our efforts to combat violent crime. It breaks our commitment to the American people to put 100,000 new police on the streets. The changes in title I of the bill, especially the allocation of funds in accordance with certain bills which are not law, are among the most blatant examples of legislating in an appropriations bill this member has ever seen. Furthermore, by sharply reducing funding for the Commerce Department, this bill threatens our economy at home and our competitive position in the global marketplace. Finally, the cuts in NOAA programs will be devastating to coastal communities which rely on a healthy and productive marine environment for their economic survival. I urge my colleagues to reject this measure.

Mr. FAZIO of California. Mr. Chairman, I rise in support of Ms. NORTON's amendment, which would strike the language in this bill that prohibits the use of funds for abortions in the Federal prison system, unless the life of the mother would be endangered or in the case of rape.

The antiabortion provision in this bill is just another attack on the most vulnerable, accessible women in our society—those who are dependent upon the Federal Government for their health care.

Abortion has been a legal procedure in this country for over 20 years. It is a legal health care option for American women. But, because the Federal Government controls her health care, this bill would deny a woman in a Federal prison the right to make up her own mind as to whether or not she chooses to terminate her pregnancy. She could only choose to have an abortion if she could afford to pay for it herself.

A woman in prison has the right to decide to carry her pregnancy to term or to terminate it. It should be her decision. And, whatever that decision is, she should not be denied her constitutional right to receive necessary medical care. I urge my colleagues to support Ms. NORTON's amendment.

Mr. KLECZKA. Mr. Chairman, I rise in opposition to the Commerce, Justice, State and the Judiciary appropriation bill.

I have particular difficulties with language the Appropriations Committee chose to include in its report. This language directs the Small Business Administration to delay implementing its reorganization plan ''until the Congress has completed action on legislative changes to the SBA's mission.'' In addition, the report states that any changes should take place within a consultative process involving the authorizing and appropriating committees.

Mr. Chairman, I believe that this an unwise instruction for several reasons. First, while the House will likely consider an SBA reorganization plan this fall, the Senate has made more limited progress. Therefore, it is questionable whether reorganization legislation will be completed during this session of Congress. Moreover, it is even less predictable whether the president would sign the resulting bill. In my judgment, it is not sensible to delay the SBA's reasonable consolidation and the associated taxpayer savings for such an uncertain and possibly lengthy amount of time.

Second, I believe this language represents another example of the attitude that Washington knows best. The Republicans are clearly violating their often-repeated pledge to allow local groups to make decisions about what is best for them. The SBA formulated its plan through close communication with and input from branch and district offices, local and State governments, and other interested parties. However, the committee majority is prepared to override these local decisions and impose its own direction.

This leads me to a third important point. I am extremely concerned that the excessive consultation demanded by the committee will expose this reorganization to political pressures. The SBA reorganization closes and consolidates a range of offices in many districts and States. This consultation may provide an irresistible opportunity for Members to maintain offices in their districts or move them back into their States.

Finally, the report language states, ''Changes in SBA's programs and responsibilities should be the primary factor in determining the need to maintain individual offices in the field structure as well as at SBA headquarters.'' In my view, this is an important factor, but not the only one. The needs of individual communities and the level of SBA involvement there should be equally critical in deciding which offices to maintain or close. SBA branches should be located near the people and businesses who need and use SBA services.

Mr. Chairman, I find this report language on the SBA reorganization ill-considered and politically motivated. Let's not use the SBA as a political football. I urge my colleagues to support removal of this language in conference.

Mr. VENTO. Mr. Chairman, I rise today in opposition to H.R. 2076, the Commerce, Justice and State Appropriations Act for fiscal year 1996.

Last September the Violent Crime Control and Law Enforcement Act of 1994 was signed into law by President Clinton. This law pledged to put 100,000 new police officers on the streets, representing a 20-percent increase in this Nation's police force. Since its enactment, over 20,000 new police officers have already been hired. In my State of Minnesota,

some 200 new officers are on the streets protecting the citizens of my State as we speak. The COPS Program is working, and it is beyond comprehension why this committee wants to destroy a program that the people and the police of this country want and need.

This bill attempts to strip the 5 year $30 billion crime trust fund established under the 1994 crime law and use it for general block grants. These funds, by law, were to be used for law enforcement, crime prevention, domestic violence prevention and prisons. Instead my Republican colleagues would rather put the money in block grants that have no guarantee one cent will be spent to hire more officers or fund a prevention program. In fact, this bill intends to fund a block grant program policy that has not even been considered by the Senate, much less the president, rather than an enacted law and to defund a up and running program cops on the beat that is working.

The COPS Program has put thousands of officers on the beat in our neighborhoods and communities to work with and protect the people. If my Republican friends truly believe in empowering local citizens, they should be supporting this well targeted program, not gutting it. The COPS Grant Program has been accessible, understandable and efficient since its inception. But do not take my statement alone, just ask the Fraternal Order of Police, National Association of Police Organizations, International Brotherhood of Police Officers, International Union of Police Associations, Police Executive Research Forum, National Organization of Black Law Enforcement Executives, National Troopers Coalition, Police Foundation, National Sheriffs Association, Federal Law Enforcement Officers Association, National Black Police Association, Major Cities Chiefs, and the U.S. Conference of Mayors, all of whom support the COPS Program.

The Republican majority apparently has forgotten history in which block grants were used for exotic equipment and far flung spending, not tangible benefits. Furthermore they reduce the local match therefore placing more burden on Federal dollars and spending as opposed to the cooperative nature of the COPS Program.

I strongly urge my colleagues to defeat this bill and continue on our goal of 100,000 more officers on the streets protecting the people.

Certainly the partisan antics are playing a role in this instance. The Republicans are determined to deny President Clinton his goal of achieving and fully implementing the COPS Program. The COPS Program is a good program a Clinton Program that should be maintained, let it work today and tomorrow, it is helping our communities.

The CHAIRMAN. There being no further amendments, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. GUNDERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2076) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes, pursuant to House Resolution 198, he reported the bill back to the House with sundry amendments adopted by the Committee on the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. LAFALCE. Mr. Speaker, I demand a separate vote on the so-called Meyers amendment restoring moneys to the Office of Advocacy.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The Clerk will report the amendment on which a separate recorded vote has been demanded.

The Clerk read as follows:

Amendment: Page 97, line 8, strike ''$217,947,000'' and insert ''$222,325,000''.

Page 98, line 6, strike ''$97,000,000'' and insert ''$92,622,000''.

The CHAIRMAN. The question is on the amendment.

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

RECORDED VOTE

Mr. LAFALCE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

Mr. LAFALCE. Mr. Speaker, I ask unanimous consent that this be a 5-minute vote.

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

There was no objection.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 368, noes 57, not voting 9, as follows:

[Roll No. 584]

AYES—368

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

NOES—57

Andrews
Archer
Armey
Baker (CA)
Barr
Barton
Burton
Chabot
Collins (GA)
Combest
DeFazio
DeLay
Doolittle
Dreier
Fields (TX)
Foley
Forbes
Gekas
Graham
Gutknecht
Hancock
Hansen
Hastings (WA)
Hunter
Inglis
Istook
Kasich
King
Kolbe
Livingston

Miller (FL)
Molinari
Moran
Myers
Neumann
Paxon
Pombo
Regula
Rogers
Roth
Royce
Sanders
Sanford
Scarborough
Seastrand
Shadegg
Shays
Solomon
Taylor (NC)
Thomas
Thornberry
Visclosky
Waldholtz
Walker
Whitfield
Wicker
Wilson

NOT VOTING—9

Bateman
Chenoweth
Collins (MI)
Dingell
Hall (OH)
Moakley
Reynolds
Rose
Waxman

□ 2238

Mr. ARMEY and Mr. FOLEY changed their vote from ''aye'' to ''no.''

Mr. DORNAN changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). 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 passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 272, nays 151, not voting 11, as follows:

[Roll No. 585]

YEAS—272

Abercrombie
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cox
Cramer
Crane
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doolittle
Dornan
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Farr
Fawell
Fazio
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gilchrest
Gilman
Goodlatte
Goodling
Goss
Green
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Istook
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Lucas
Luther
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Meyers
Mica
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pombo
Porter
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Rivers
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Sabo
Salmon
Sawyer
Saxton
Schiff
Schumer
Seastrand
Shadegg
Shaw
Shays
Shuster
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Spence
Stenholm
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Vento
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—151

Ackerman
Allard
Andrews
Baldacci
Barrett (WI)
Becerra
Beilenson
Berman
Bishop
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Conyers
Cooley
Costello
Coyne
Crapo
de la Garza
DeFazio
DeLauro
Dellums
Doggett
Dooley
Duncan
Durbin
Engel
Evans
Fattah
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gonzalez
Gordon
Graham
Gutierrez
Hancock
Hastings (FL)
Hefley
Hilliard
Hinchey
Holden
Inglis
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Maloney
Manton
Markey
Martinez
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mfume
Miller (CA)
Mineta
Mink
Myers
Nadler
Neal
Obey
Olver
Owens
Pastor
Payne (NJ)
Pickett
Pomeroy
Portman
Poshard
Rahall
Rangel
Reed
Richardson
Roemer
Roybal-Allard
Rush
Sanders
Sanford
Scarborough
Schaefer
Schroeder
Scott
Sensenbrenner
Serrano
Sisisky
Slaughter
Solomon
Souder
Spratt
Stark
Stearns
Stockman
Stokes
Studds
Stump
Stupak
Tanner
Tejeda
Thompson
Torres
Towns
Tucker
Velazquez
Volkmer
Waters
Watt (NC)
Williams
Woolsey
Wyden
Wynn
Yates

NOT VOTING—11

Bateman
Chenoweth
Collins (MI)
Dingell
Gekas
Hall (OH)
Moakley
Reynolds
Rose
Smith (WA)
Waxman

□ 2254

Mr. SERRANO and Mr. WYDEN changed their vote from ''aye'' to ''no.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 359

Mr. FOLEY. Mr. Speaker, I ask unanimous consent to withdraw my name as cosponsor of H.R. 359.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE CONCURRENT RESOLUTION 85

Mr. QUINN. Mr. Speaker, I ask unanimous consent that the gentlewoman from Florida [Mrs. THURMAN] be removed as a cosponsor of H. Con. Res. 85.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 1854, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1996

Mr. PACKARD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1854) making appropriations for the legislative branch for the fiscal year ending September 30, 1996, and for other purposes with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California? The Chair hears none, and without objection, appoints the following conferees: Messrs. PACKARD, YOUNG of Florida, TAYLOR of North Carolina, MILLER of Florida, WICKER, LIVINGSTON, FAZIO, THORNTON, DIXON, and OBEY.

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1444

Mr. TORRES. Mr. Speaker, I ask unanimous consent that my name be removed as cosponsor of H.R. 1444.

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

There was no objection.

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

FRENCH NUCLEAR TESTINGS

Mr. FALEOMAVAEGA. Mr. Speaker, I want to share with my colleagues this

morning a most serious problem now confronted by the 22 nations and territories of the Pacific Region—the Government of France plans to explode 8 more nuclear bombs in about 8 weeks, each 10 times more powerful than the atomic bomb dropped on the city of Hiroshima, Japan.

Mr. Speaker, the millions of men, women, and children who live in the Pacific are sick and tired of this region being used as a testing ground for nuclear explosions. And it makes me sad to see the President of France, charging like a bulldozer—totally disregarding the environmental concerns of the millions of people living in the Pacific—and I ask the American people and my colleagues to send a strong message to the French Government by not buying French goods and products as a symbolic gesture to get President Chirac off his high horse, and stop this madness by canceling the nuclear explosions—and prove to the world what real leadership is all about. I know the people of the Pacific will be grateful.

Mr. Speaker, 70 percent of the people of France do not want their government to conduct nuclear explosions in French Polynesia. The countries of the Pacific, Asia, and Europe don't support it.

What madness, Mr. Speaker. What madness.

[From the Washington Post, July 12, 1995]

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.

[From the Washington Post, July 11, 1995]

FRANCE TO CONTINUE NUCLEAR COUNTDOWN

(By Christopher Burns)

PARIS, July 10.—France insisted today that it will go ahead with nuclear-weapons tests in the South Pacific following its seizure of an environmental protest ship in the area and despite protests from demonstrators and governments around the world.

French commandos used tear gas Sunday to board and take commend of the Rainbow Warrior II, flagship of the environmental protection organization Greenpeace—an action the group called ''an outrage against peaceful protest and world opinion.''

The timing of the boarding—which took place in French waters near Mururoa atoll, site of the planned nuclear tests—was especially sensitive because it was just 10 years ago that French agents blew up the original Rainbow Warrior in New Zealand, killing one person aboard.

Today, as French warships escorted the 180-foot vessel away from Mururoa, two Greenpeace members using a motorized dinghy evaded French patrols and scaled a drilling rig at the test site to protest the eight planned nuclear blasts, but security forces removed them within 20 minutes. The rig is used to bore test shafts into the ocean bed below the atoll.

Meanwhile, in London, Bonn, Hong Kong and other cities, anti-nuclear protesters carried effigies of French President Jacques Chirac, chained themselves to the gates of French diplomatic compounds or held rallies to express their anger over the tests, scheduled to begin in September. In Washington, Greenpeace activists chained themselves to the gates of the French ambassador's residence, unfurled banners and shouted slogans denouncing the tests.

But French officials shrugged off the outcry, declaring that its seizure of the Greenpeace ship was justified. ''Faced with operations that violate the law, we do what is needed to ensure that the law is respected, and we will continue to do so,'' Prime Minister Alain Juppe said.

In Aukland, Greenpeace's New Zealand campaign director said the Rainbow Warrior II had planned to protest by sailing peacefully into the 12-mile exclusion zone around the atoll. But the French high commissioner in French Polynesia, Paul Ronciere, justifying seizure of the vessel, said the crew wanted to ''run the ship aground on a reef or on a beach'' to stymie French test plans.

Juppe added in his statement that France will take whatever measures are needed to ensure that its territorial waters are respected. He said Chirac's pledge to conduct the tests as a means of maintaining France's nuclear capability would be carried out ''because it is in the higher interest of the country.'' France says that when the tests are completed it will be ready to sign a multinational test ban treaty now being negotiated.

French leftists and environmentalists criticized Chirac's new conservative government over the tests, although there were no major protests in Paris. Indeed, the French public seems tacitly to support the government's nuclear policies.

But France came under increasing criticism today from many of its allies, most of whom have opposed the tests.

In Washington, State Department spokesman Nicholas Burns said: ''As we stated previously, we regret very much the French decision to resume nuclear testing, and we continue to urge all nuclear power's including France, to join in a global moratorium as we work to complete the comprehensive test ban treaty at the earliest possible time.''

Australia, a major critic of the tests, has signaled that it will seek Japanese support in pressuring Paris to call them off. On the seizure of the Rainbow Warrior II, Deputy Prime Minister Kim Beazley called the French action ''a disproportionate response,'' as assessment echoed by New Zealand Prime Minister Jim Bolger, who said the French had gone ''over the top.''

Chirac is scheduled to meet German Chancellor Helmut Kohl in Strasbourg, France, on Tuesday and officials in Bonn said the chancellor would bring up the issue of the tests ''and their effect on public debate in Germany.'' A recent poll showed that 95 percent of Germans oppose the tests.

SPECIAL ORDERS

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

□ 2300

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

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

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

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

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

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

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

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

INTRODUCTION OF THE TERM LIMITS ACT OF 1995

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

Mr. HOEKSTRA. Mr. Speaker, today we have the opportunity to explain to my colleagues some legislation that we introduced earlier today. It builds on legislation which we introduced in the last Congress. It is called the Hoekstra-Hutchinson Voice on Term Limits. It is the Term Limits Act of 1995.

What this legislation does, it provides for a nonbinding national advisory referendum on congressional term limits during the November 1996 general election. As this legislation moves through the House and the Senate, this legislation would provide the first time in the history of this country where the American people would actually have the opportunity to advise Congress on a particular issue.

As the Members of this body are well aware, we had a vote earlier this year on term limits. While we did win a majority, we did not receive the necessary number of votes to move this legislation through the House and to the Senate and move it to the American people and to the States for its confirmation as an amendment to the Constitution.

What we are proposing with this legislation is enhancing the process and allowing the American people the opportunity to influence this Congress.

The process would work in this way: During the spring, summer, and early fall of 1996, we would envision a national debate on the pros and cons of term limits. Then in November of 1996, on every ballot across this country, there would be a very simple question: Should Congress approve a constitutional amendment to limit the number of terms that a Member of the United States House of Representatives and the United States Senate can serve in their office? Yes or no?

As the results from this national referendum would be tabulated and reported, the next Congress would come back in January of 1997. A commitment has been made that as Republicans would still maintain the majority in the House, that the first piece of legislation that we would consider would be another vote on term limits. So we would see an opportunity to have a national debate, a national referendum, and then a vote on term limits.

Really, what we are talking about is what I think this institution needs, is we need more direct input from the American people advising and influencing and providing an opportunity to set the agenda here in Washington. It is an experimental process. It is an experimental process providing an opportunity to enable the American people to set the agenda, help set the agenda in Washington and more clearly advise this House on the type of direction that we should take.

This piece of legislation is part of a broader package of bills that I introduced today which also includes the opportunity for Members or for citizens to recall Members of the House and of the Senate, providing for the inclusion of ''none of the above'' on ballots around the country, and also providing legislation to provide binding initiative and referendum.

The bill that I am talking about today, the National Voice on Term Limits, is only an advisory referendum. It is an experiment in improving democracy, and I am excited to begin this process and to move this legislation through the House of Representatives.

MEDICARE: A CONTRACT WITH OUR SENIOR CITIZENS

The SPEAKER pro tempore (Mr. KIM). Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, 30 years ago a contract with our senior citizens was created when the Medicare program was enacted, and now the Republican Congress is proposing to end Medicare as we know it and balance the budget, I am afraid, on the backs of senior citizens.

Mr. Speaker, the Republican Party was against Medicare when it was enacted in 1965, and now that Republicans have regained control of Congress, one of the first things that they want to do is take $270 billion out of the program and for senior citizens to foot the bill for a balanced budget. While I believe in a balanced budget, I feel the Republican approach is incorrect, wrong and draconian.

Medicare has had a lot of success since it was established. Poverty rates for senior citizens have declined dramatically. Medicare has given seniors universal health coverage and protected them from depleting their hard-earned resources. Without Medicare, many seniors would be forced to choose between health care, food, and shelter.

Mr. Speaker, I want to read an excerpt from testimony submitted to Congress during the Medicare debate from a concerned citizen in 1963. It is from the CONGRESSIONAL RECORD: ''My mother is now 85 years old, and since she has been hospitalized before, the insurance company cancelled out her policy, and now I am paying the bill. Her sole income is a social security check for $40 a month. I hope my children will not have the same choice to make to either pay the bills or put dad on relief.'' That is from the RECORD on November 21, 1963.

Mr. Speaker, the problem is that the Republicans have not discussed the specific details of how they plan to change Medicare, because they are afraid to tell seniors what will happen with this $270 billion in Medicare cuts.

One plan, though, that the Republicans are floating is a voucher plan, which basically limits the health care coverage of senior citizens. This voucher plan would basically give seniors substandard health care unless they have a lot of money and can afford their own health coverage. Essentially, a senior will be told that once he has used up the voucher, that he will have to pay for health care insurance out of his own pocket, and I am afraid, Mr. Speaker, the Republicans do not realize that most seniors are on a fixed income and simply will not be able to afford the extra cost that will be entailed under this proposed voucher program.

There are other Republican plans that have been discussed that will either force senior citizens into HMO's or the managed care systems that are like HMO's, and essentially what that does is to tell the seniors which doctors they can and they cannot see.

I have talked to a lot of senior citizens over the last few months about some of these alternate plans that Republicans have come up with, and most of the senior citizens I represent are very happy with their doctors and do not want to be told which doctors that are going to serve them. They are very afraid of the fact they will not be able to choose their own doctor.

Nobody really knows exactly what the Republicans are going to do, because they have not put specific proposals forward.

But their proposed Medicare cuts are so large, I am convinced it is only going to hurt senior citizens. I am afraid the Republicans will end Medicare as we know it, without telling the American public the true story of what these $270 billion in cuts are ultimately going to mean to them.

Some estimates figure that seniors will have an additional $1,000 per month of our-of-pocket costs to maintain the same health coverage that they are currently receiving, and if health costs rise faster than the growth in Medicare to seniors, then seniors are either going to get less services or pay more money. It is that simple.

Mr. Speaker, finally, during the last few nights, I have heard Republicans state that they are really concerned about saving Medicare and that is why they are putting forth these cuts in the program and the changes that we are hearing about. But I would maintain that if Republicans are truly concerned about saving Medicare and reforming it, then they should not be approaching it in the backward way that they are approaching it. Republicans are starting with $270 billion in cuts, the largest amount of cuts in the history of the Medicare program. Then, after they make these cuts, they want to gut Medicare to achieve the cost savings.

The American public should not be fooled by these Republican plans. Senior citizens should watch closely over the next few months to see what the Republicans do to the existing Medicare program, and the Republicans should not be allowed to break Medicare's contract with America's seniors.

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

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

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

[Mrs. SCHROEDER addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

PRESERVING AND PROTECTING SOCIAL SECURITY AND MEDICARE

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

Mr. FOX of Pennsylvania. Mr. Speaker, I rise for two purposes tonight, first, in response to the last gentleman who spoke.

I think it is important the House note that it was the Republican Congress that led the way to roll back the unfair 1993 tax on senior citizens' Social Security, and it is the same Republican-held Congress that has also called for increases in income eligibility for senior citizens who now are capped at $11,380 a year. Under the Republican legislation, they will be able to make up to $30,000 a year without deductions from Social Security.

We will work in a bipartisan fashion to make sure we preserve and protect Social Security and Medicare. What we will do with Medicare is to make sure, through our preservation task force, to come up with options to make sure we eliminate the fraud, abuse, and waste which exists in the system. That is the core of the problem.

□ 2310

I also rise tonight, Mr. Speaker, to pay tribute to a Norristown community leader from my district, Frances Joyner, someone who gave so much for her community. She died at the age of 53, and this has certainly shortened the life of someone who was a great American, a great community volunteer.

Mr. Speaker, she contributed much in her time, much more so than you might expect for someone of such young years. She was an outstanding employee at the Norristown State hospital, an active employee at the U.S. Post Office. But more important than her regular job was what she did in her community.

She was active in her church, she was active in civic organizations, and she helped start many youth programs in her community in Pennsylvania. She was a member of the board of directors and treasurer of the Norristown Jaycettes, and she was active with the Montgomery County Junior Miss Pageant. She was the founder of the Miss Essence of Ebony Pageant.

She was on the board of directors of the YMCA. She was director of the Foster Parents of the Children's Aid Society. She was a member of the Montgomery County Opportunities Industrialization Center as a director, a judge of elections for Norristown's Eighth Ward. She received the award of the Chapel Four Chaplains at Temple University in Philadelphia, PA. She was a member of Ebenezer A.U.M.P. Church for more than 40 years.

She was a Sunday school teacher, and one of the organizers of the Junior Missionaries. She was a Past Matron of the Eastern Star, and the list goes on, Mr. Speaker.

What she was for us, Frances Ella ''Sissy'' Joyner was a leader of the church, a leader of the community, an inspirational humanitarian, a role model for her community. She loved children and worked to help the community become better, and I hope that those who will read and hear about Frances Ella Joyner will in fact be inspired by her life's work so that they reach out to the community and show the kind of volunteer spirit that has made America so great.

WELCOMING PRESIDENT KIM YONG-SAM OF KOREA

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

Mr. KIM. Mr. Speaker, as the only Korean-American in Congress, I was proud and honored today to listen to Korean President Kim Yong-Sam address a special joint session of the Congress. His insightful remarks underscored the very historic and close relationship between Korea and the United States. They were certainly well received by the Congress.

President Kim's visit and address to Congress are particularly meaningful and timely considering the fact that tomorrow Presidents Kim and Clinton will dedicate the Korean War Memorial on the Mall of Washington, DC.

This memorial reminds us that the friendship between the United States and Korea is bonded in the blood and sacrifice of each nation. It reminds us of our common quest for liberty and our shared acknowledgment that freedom is not free. While there are short-term differences that may occur between the United States and Korea from time to time, these minor disagreements can never crack the solid, long-term alliance between us. Just ask those Koreans and Americans who are immortalized by the memorial.

As President Kim pointed out in his speech, Korea's economic and democratic achievements are impressive, especially considering they have been made under the constant threat of war from the north. I am proud that the United States has unselfishly encouraged and supported Korea's advancement and this cooperation does warrant special recognition. Thus, as we reflect on today's joint session, tomorrow's dedication of the Korean War Memorial and all the other events associated with this week's state visit by President Kim, I think we all will agree that both the United States and Korea are truly fortunate to have each other as allies and partners.

GOP MEDICARE PLANS THREATEN WOMEN'S HEALTH

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

Mrs. COLLINS. Mr. Speaker, in keeping with the Republican's back-to-the-future approach to legislating, the GOP Medicare-gutting plan will do nothing less than turn the table of progress on women's health in the United States and jeopardize the lives of millions of elderly women in order to foolishly subsidize massive tax cuts for corporate fat cats and rich folks. Sounds a lot like a return to the tired old, worn out, smoke-and-mirrors, trickle down, voodoo economics of a former time—and we all know how well that wreaked havoc on our Federal budget.

What in the world makes our Republican colleagues believe that a $270 billion cut to the Medicare program is good medicine for our Nation's seniors, particularly our elderly women. Today one-quarter of all women over age 65 live at or near the poverty line. With the GOP cuts estimated to increase out-of-pocket health care expenses $3,500 annually by the year 2002, these women will be forced to choose between essential health care services and daily food and shelter.

These Gingrich cuts will also disproportionately affect minority women who have lower retirement income, little health care coverage beyond Medicare, and greater risk of acute and chronic illness than white women, and are twice as likely to end up in poverty than their white counterparts.

Is this the contract the Newt Republicans have with their mothers and grandmothers—a promise to gut, slash, and burn the vital health care support that these women have come to trust and rely upon in their golden years? Unfortunately, it is.

Important preventive services, such as biannual mammograms for women over 65 are endangered under the Gingrich Republican budget axe, despite the fact that older women are six times more likely than younger women to develop breast cancer and eventually die from this tragic disease. Additionally, home health care beneficiaries, two-thirds of whom are women, stand to pay a new sick tax with a proposed 20-percent increase in copayments for home care services.

The facts seem pretty clear to me. American women, who live longer than men, contract disabling diseases such as arthritis and osteoporosis to a greater extent than men, and are far less likely than men to have sufficient retirement income or other economic means, will be devastated by the Republican's cruel, short-sighted, and needless attack on Medicare as a means to get tax breaks to the privileged few. Why the GOP is pushing such an agenda remains a frightening mystery to me and my constituents.

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

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

WASTE IN THE DEPARTMENT OF ENERGY

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

MEDICARE TRUST FUND SUMMARY

Mr. HOKE. Mr. Speaker, I was not going to speak about Medicare tonight, but I will speak very briefly, and then there is something else that I really want to bring to your attention.

Mr. Speaker, the one thing that I would urge that Americans would do is to get a copy of the summary, the 14-page summary that has been prepared by the trustees of the Medicare trust fund, that is the Medicare and the Social Security and the disability trust funds, get a copy of that. It is a 14-page summary of the annual report of the trustees.

Now, there are a lot of people that do not want the American public to see that. Most of them happen to be on the other side of the aisle. Because frankly, when you read this 14-page summary, it takes about 15 minutes, very clearly written, very simply written, after you read this summary, then finally, it dawns on you and you say, my goodness gracious, we really have a problem here.

These trustees lay it out in black and white, it is very clear, it is not partisan. It is not political, it has not been politicized, it is not subjected to demagoguery, it is very straightforward, it is clear.

Mr. Speaker, you will see that this is a problem that every single responsible legislator in this country has got to address.We have to deal with it at this level. If we do not, the fund will be bankrupt and Medicare will be in complete chaos.

So I just urge you, Mr. Speaker, to let the American public know that if they call their representative at (202) 225–3121, (202) 225–3121, ask for this 14-page summary of the annual report of the trustees, you representative will send it to you and it will lay out in very clear language exactly what the challenges are to the Medicare trust fund. It gives some very specific recommendations with respect to the need for legislative intervention, so that this thing will get fixed.

That is not what I want to talk about this evening, but I did feel that it is just important to bring that to the Speaker's attention.

Mr. Speaker, what I want to talk about, I want to know, is anybody watching what is going on at the Department of Energy? The Secretary of Energy is sending 50 people to South Africa next week, 3 weeks in advance of the Secretary going to South Africa. That is just the advance team. Fifty people are going to be there 3 weeks ahead of her, I guess to make sure that the beds are turned down properly, I do not know. But this is a tremendous embarrassment to this administration, it is a tremendous embarrassment to the President, and it is time that somebody started to blow the whistle.

The Secretary will herself then follow to go to South Africa with 70 people at extraordinary expense to the taxpayer, and not only that, but with a level and a degree of arrogance that we have not seen in this administration with respect to at least this kind of bizarre appetite for travel. In fact, I saw tonight, and I will bring it tomorrow night, because I think everybody would be interested to see this, the graphic of a T-shirt that the Secretary is having produced, and it says, Hazel O'Leary World Tour, 1994–95.'' It looks like it is a wonderful color graphic, all at taxpayer expense, thank you very much, of the places that the Secretary has gone around the globe: China, India, Sweden, Egypt, now South Africa, all at taxpayer expense.

Mr. Speaker, here is the real problem. What is the most important charge of the Department of Energy? It is to safeguard, to conserve, to maintain, and to make sure there will be no accidents with respect to our nuclear arsenal. That is the primary reason that the Department of Energy was created in the first place, because we did not want the Department of Defense to be in charge. That was probably bad policy then. But nonetheless, that was the raison d'etre of the Department of Energy. This money is being taken out of those accounts and being put into the travel account.

Now, Mr. Speaker, it is time that the President look at this very, very carefully. It is time that we blew the whistle on this profligate travel, and it is time that we simply ended it. Because not only is it a wasteful use of the taxpayers' money, but it is taking money away from the much more important responsibilities that the Department of Energy does have at this point.

Mr. Speaker, I know that the gentleman from New York is going to have a very special special order on the Korean war memorial.

SENIORS AT RISK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, this Sunday, we celebrate the 30th anniversary of the creation of Medicare. On this date in 1965, President Johnson, with former President Truman by his side, signed into law a historic piece of legislation that would dramatically improve the lives of America's seniors and their families.

Look how far America's seniors have come in the latter part of this century. In 1955, only 46 percent of our Nation's elderly had health insurance coverage. By 1994, 97 percent of our seniors were covered. Medicare has made the difference.

In 1965, one in three senior citizens lived in poverty, many having squandered their life savings on costly medical care. Today, only 1 in 10 senior citizens live in poverty. Medicare has made the difference.

For the last 30 years, Medicare has made a difference for millions. It is one Government program that has worked so well that people don't even think of it as a Government program at all. In fact, last year, when Democrats tried to pass health care reform, seniors called and wrote to say: ''We don't care what you do, just don't get government involved with Medicare.''

Yes, Social Security and Medicare are Government programs. They are Government programs that work. Social Security and Medicare are the twin pillars of Democratic reform—one from the New Deal and the other from the Great Society. For decades these two programs have worked in tandem to ensure that our seniors are secure in their retirement.

That's what this debate is all about: security. Making sure that our seniors are secure. But, Republican plans to privatize the Medicare system will remove the security we promised our seniors 30 years ago.

Just ask your self: will higher medical bills make seniors more secure? Will lower levels of benefits make seniors more secure? Will losing their choice of doctor make seniors more secure?

Will seniors be more secure when their copayments go from $46 to more than $100? Will seniors be more secure when they are asked to pay $1,000 more?

The answer to all these questions is ''no.'' But, GOP opposition to the Medicare program should come as no surprise. Just look at the record.

Thirty years ago, 93 percent of Republicans in this body voted against Medicare and instead supported a plan to privatize the system. Today, Republicans are closing in on a 30-year goal—to end the program they never wanted in the first place.

In 1995, Republicans say they are cutting Medicare in order to save Medicare. They would like America to believe that they are simply pruning the Medicare plant so that it may grow healthy again. But, in reality, they are pulling Medicare out by its roots and using it as fertilizer for their favorite crop: tax cuts for the wealthy.

This plan uses $270 billion of cuts to finance a $245 billion tax cut for the wealthy.

Now, I believe that the solvency of the Medicare trust fund needs to be dealt with, but it needs to be dealt with in the context of health care reform. Medicare is growing at the rate

it is, because it needs to keep pace with rising medical costs. The way to get a handle on rising medical costs is to reform our entire health care system, not to punish seniors by ''slowing the rate of growth'' of Medicare.

Slowing the rate of growth is popular Washington-speak these days. Slowing the rate of growth means that the Government would only cover seniors' health care costs up to a certain amount. After that, seniors would be left to make up the difference out of their own pockets. Higher costs and lower level of services that's what slowing the rate of growth of Medicare would mean for America's seniors.

Thirty years ago, the U.S. Government made a pact with America's seniors. We said: ''If you pay into this trust fund all of your working life, we will take care of you, when you can work no longer.'' Seniors have kept up their end of the bargain, but now Republicans in Congress want to walk away from the deal. Medicare is the real contract with America. Congress has no right to break that sacred pact.

□ 2320

THE KOREAN WAR MEMORIAL UNVEILING

The SPEAKER pro tempore (Mr. KIM). Under the Speaker's announced policy of May 12, 1995, the gentleman from New York [Mr. SOLOMON] is recognized for one-half of the time remaining before midnight as the designee of the majority leader.

GENERAL LEAVE

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order tonight.

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

There was no objection.

Mr. SOLOMON. Mr. Speaker, let me call attention to the Members that the acting Speaker in the chair is a United States citizen, and he is a native of Korea, and we are very proud of him, and this is the subject of this special order this evening, the country of Korea, the brave Korean people.

Mr. Speaker, this year marks the 50th anniversary of the end of WWII, a devastating war that brought an end to the inhumane expansionist regimes of Germany and Japan.

And tomorrow July 27 marks the 42d anniversary of the end of another war—the forgotten war of Korea.

Well, Mr. Speaker, finally after all these years the Korean war—the war that stopped the spread of deadly atheistic communism dead in its tracks—will no longer be a forgotten war—because tomorrow we will unveil one of the finest memorials ever dedicated to young men and women who lost their lives in service to this great country of ours.

Mr. Speaker, the Korean war was the first battlefield test of our resolve against communism.

And make no mistake about it—we won that war.

We stopped the spread of deadly, atheistic communism dead in its tracks.

Up until then, communism had appeared invincible.

It had gobbled up half of Europe and seemed everywhere on the march.

Mr. Speaker, it's about time to rewrite all those textbooks that say the Korean war ended in a draw.

Our show of toughness in Korea—for the first time—showed the Communists that we were not going to let them expand their empire throughout the world.

Mr. Speaker, the United States showed them we were willing to pay the price, and a terrible price it was with over 54,000 dead, and 103,000 wounded, 7,000 taken prisoner of war, and 8,000-plus still listed as missing in action, all that in just 3 short years, and so I would suggest, my colleagues, that the Berlin Wall may have fallen in 1989, but the first cracks appeared in 1953, far away in a place called Korea.

And yes, Korea was the most brutal war in our history.

A lot of it was fought in 30-below winters by outnumbered American troops—many of them green and untried—because America was not militarily prepared.

The communists nearly drove our troops off the Korean Peninsula, but they were halted at the Pusan perimeter, and 5 days later allied forces launched the last great amphibious landing in history at Inchon.

The U.S. Army and Marines drove them all the way back to the Yalu River.

And the war was almost over, until the Chinese communists came swarming across the border, outnumbering allied forces by more than 10 to 1, trapping thousands of American Marines behind enemy lines.

And thus began one of the bravest battles ever fought by American troops anywhere in the world.

The full weight of the veteran 100,000-man communist Chinese Army came crushing down on a sorely outnumbered 7th, 5th, and 1st Marine Regiments.

One of these 21-year-old Marines was my high school pal Lance Corporal Stephen Olmstead, who 30 years later would attain the rank of lieutenant general, recanted many times how the Chinese attacked during the night in temperatures approaching 30 degrees below zero, cutting the main supply routes, and isolating the Marines into four close perimeters.

Although the vastly outnumbered marines held their ground, the situation was grave.

And on 1 December 1950, General O.P. Smith ordered a breakout from the reservoir, which he termed an ''attack in a different direction.''

Supported by the 1st Marine Aircraft Wing, which flew nearly 4,000 sorties during the entire operation, the 1st Marine Division blasted its way through seven Chinese divisions to reach safety at Hungnam by 12 December—eleven days and nights in blinding snow—over near impassable, frozen, mountainous terrain.

Mr. Speaker, the Chosin Reservoir campaign cost the marines over 4,400 battle casualties, including killed and wounded, and uncounted cases of frostbite and pneumonia, but the Chinese forces had suffered a catastrophic 25,000 dead.

Yes, the 1st Marine Division fought its way out of that trap at Chosin Reservoir, bringing their wounded with them, and writing one of the most glorious chapters in Marine Corps history.

And as General Olmstead told me:

> It was in a spirit of prayerful thanksgiving that Americans read about the column of grimy, parka-clad marines who came out of the mountains of Northeast Korea on 11 December 1950.
>
> They had come out fighting; they were numbingly cold and bone weary.
>
> They had brought out with them their wounded, most of their dead, and most of their equipment. They were the chosen few.

Mr. Speaker, during the Korean war, I spent my time with the 2nd Marine Division and never saw combat with those brave Marines at Chosin Reservoir, but those acts of heroism personify the history of our beloved corps.

Mr. Speaker, tomorrow at 3 p.m., and we are going to roll votes from 2 to 4 so Members of Congress can attend tomorrow at 3 p.m., along with veterans from all branches of our military, we will gather at the first unveiling of the Korean War Memorial in remembrance of those who served in a war called Korea that is no longer forgotten.

□ 2330

Mr. Speaker, I yield to someone I am very proud of. He is a brand new Member of this Congress. I came here 17 years ago, but now, 17 years later, joining me is another former Marine, and he happened to go through boot camp, Parris Island with me, 17 years ago. Never in this world I thought there would be another one here in Congress, but there is, and his name is FRED HEINEMAN from Raleigh, NC.

Corporal, would you like to get up and say a few words?

Mr. HEINEMAN. Thank you, JERRY.

Mr. Speaker, ''First to Fight'' has always been a proud tradition of the U.S. Marine Corps. As we pause during this week of commemoration and reflection to recall the early, critical weeks of the Korean War, I am proud to recall the outstanding performance of our Marine Corps in taking the fight to the enemy and recapturing the South Korean capital city of Seoul.

After the successful amphibious assault on Inchon in mid-September 1950, the 1st Marine Division maintained their unremitting pressure on the North Koreans, forcing them into a contest for the South Korean capital.

While the 1st Marines attacked the western suburb of Youngdungpo, the 5th Marines swung to the northeast, captured Kimpo airfield and crossed the Han River in amphibian tractors. Joined by the 1st Marines on the right flank, the 5th Marines then drove south into Seoul with the recently arrived 7th Marines on the left. Seoul was recaptured after another week of bitter street fighting. Marines methodically eliminated pockets of stubborn enemy resistance, tanks clashed in the streets, and entire neighborhoods were demolished in the intense conflict.

The 1st Marine Division, having taken Seoul, re-embarked for the opposite coast of Korea to interdict elements of the retreating North Korean People's Army. Before the Marines could land at the eastern port city of Wonsan, however, Communist forces had evacuated the area. From Wonsan, the 1st Marine Division fanned out south and west, engaging the retreating North Koreans in a series of sharp fights, and then headed north towards the Chosin Reservoir.

Yes, the gentleman from New York so capably gave a profile of the early stages of the Korean war, and he did reveal to this Congress that 44 years ago he and I shared an experience in South Carolina, a place called Parris Island, serving in the same platoon, Platoon 168, from February 16, 1951, to April 6, 1951. And I am just as proud to have served with him then as I am to serve with him in this body today. I am proud to have been a Marine. I am proud to have been, and I am proud to be today, a Member of this Congress.

Thank you, Mr. Chairman.

Mr. SOLOMON. FRED, thank you, and thank you for being here in the Congress standing up for America once again.

Mr. Speaker, let me yield to another freshman Member. He is an outstanding Member, he replaced a very close friend of mine in this body, and his name is WES COOLEY from Alfalfa, OR. He is a veteran of the U.S. Air Force and a veteran of the Korean war.

WES, it is good to have you with us.

Mr. COOLEY. Mr. Speaker, I always think of Korea, when I say that, is that I had a hard time for many, many years, because we used to call this a police action, if you remember. That was the term used many, many years after we served in this conflict.

This police action, performed by the United Nations, stopped communism, but it cost a lot of American lives. As the previous speaker has spoken, we lost over 54,000 young Americans in three years of combat. Compare that to 10 years in Vietnam when we only lost 58,000, 4,000 more. This was one of the most bloody conflicts that America has ever participated in, other than the Civil War.

It was a foreign war, and I am glad to see we are being recognized as a war now. It has been 42 years since the end of this conflict, and tomorrow we are going to celebrate a memorial to those 54,000 heroes that died in Korea.

This is a living memorial, as people will see when they come to Washington to see the Korean Memorial. It is not a tombstone, it is a memorial, and I am very proud to be here in Congress and to participate in tomorrow's ceremonies in announcing an opening of the Korean Memorial.

Thank you very much.

Mr. SOLOMON. WES, we sure thank you.

Mr. Speaker, on the other side of the aisle is another very good friend of ours, a second termer. He is PAUL MCHALE from Bethlehem, PA, another good Marine who has a total of 23 years active and reserve duty.

PAUL, it is good to have you with us this evening.

Mr. MCHALE. Thank you very much, JERRY. Mr. Speaker, I would like to read something that I read many years ago for the first time. It touched me deeply then and I hope it affects you today.

COMMISKEY, HENRY A., SR.

Rank and Organization: First Lieutenant (then 2d Lt.), U.S. Marine Corps, Company C, 1st Battalion, 1st Marines, 1st Marine Division (Rein). *Place and date:* Near Yongdungp'o, Korea, 20 September 1950, *Entered service at:* Hattiesburg, Miss. *Birth:* 10 January 1927, Hattiesburg, Miss. *Citation:* For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call to duty while serving as a platoon leader in Company C, in action against enemy aggressor forces. Directed to attack hostile forces well dug in on Hill 85, 1st Lt. Commiskey, spearheaded the assault, charging up the steep slopes on the run. Coolly disregarding the heavy enemy machinegun and small-arms fire, he plunged on well forward of the rest of his platoon and was the first man to reach the crest of the objective. Armed only with a pistol, he jumped into a hostile machinegun emplacement occupied by 5 enemy troops and quickly disposed of 4 of the soldiers with his automatic pistol. Grappling with the fifth, 1st Lt. Commiskey knocked him to the ground and held him until he could obtain a weapon from another member of his platoon and killed the last of the enemy gun-crew. Continuing his bold assault, he moved to the next emplacement, killed 2 more of the enemy and then led his platoon toward the rear nose of the hill to rout the remainder of the hostile troops and destroy them as they fled from their position. His valiant leadership and courageous fighting spirit served to inspire the men of his company to heroic endeavor in seizing the objective and reflect the highest credit upon 1st Lt. Commiskey and the U.S. Naval Service.

Mr. Speaker, I quoted that Medal of Honor citation for two reasons. First of all, it demonstrates dramatically the courage and tenacity with which our Marines fought in Korea during the early days of that war. I quoted it also for a more personal reason: 22 years after the Medal of Honor was earned, Henry A. Commiskey, Jr., was commissioned with me at Quantico, VA, served with me at Quantico and later in Okinawa with the 2nd Battalion, 4th Marines, and 19 years after that, Henry A. Commiskey Jr., the son of this brave man, served with me in the Gulf war. Skeeter, I hope you are listening.

Mr. Speaker, as we continue this week to commemorate and to honor the service of our 5.7 million Korean War veterans, it is well to reflect upon some of the key campaigns in and operations of the bitter conflict. My good friend and fellow Marine, JERRY, spoke to you a few moments ago of the Chosin Reservoir. I would like to speak of a history of the Punchbowl.

In late April, 1951, communist forces launched a massive counterattack which left a gaping hole in the United Nations lines. Elements of the 1st Marine Division were flung into action and were soon joined by the British Commonwealth 27th brigade. The enemy was contained after 5 days of hard fighting and finally the front lines stabilized.

In mid-May, 1951, the Chinese opened the second phase of their spring offensive and made brief gains into the U.N. lines. Valiant fighting by Marine and Army units helped to stabilize the situation and by the end of the month, the enemy offensive had run out of steam. The 1st Marine Division, located at Hwachon Reservoir, occupied the ridge line overlooking a deep circular valley, aptly nicknamed the Punchbowl. Truce negotiations now began and U.N. forces settled down into a defensive position. The communists, however, were simply buying time to rebuild their forces.

In September 1951, hostilities resumed in earnest and the Marines found themselves back on the attack in the mountainous Punchbowl area. Soon thereafter U.N. forces halted offensive operations in the hope that renewed negotiations would bring an end to the fighting.

By early 1952, the Marines had moved to the western Korean front, where they assumed a defensive posture that would continue until the close of the war.

As negotiations dragged on, the 1st Marine Division protected and consolidated U.N. gains by conducting patrol operations and engaging in several tough trench warfare actions in western Korea.

□ 2340

In mid-August 1952, there was hard fighting at the Bunker Hill outpost, and in October there was a fight for the ''Hook.'' In the spring of 1953, Marines engaged enemy forces in particularly bitter clashes for possession of outposts with names such as ''Reno,'' ''Vegas,'' and ''Carson City'' in the so-called ''Nevada Cities'' campaign.

An armistice ending the fighting across all fronts in Korea was finally argued out at Panmunjom, and went into effect at 2200, 27 July 1953. After the cease-fire, Marines were called upon to assume a defensive posture along the Demilitarized Zone should any further hostilities occur. They remained in Korea until 1955 when the 1st Marine Division returned to Camp Pendleton, California.

Mr. Speaker, as we have learned this week, and most eloquently from the gentleman from New York JERRY SOLOMON, a few minutes ago, there was an extraordinary price that was paid in stemming the tide of aggression in Korea. The Marine Corps, a service that is beloved by all Americans and particularly by those who speak to you this evening, lost over 4,500 of our finest men killed in action, and over 26,000 United States Marines were wounded. The American people had ample cause to be proud of their Marine Corps in this war, as in so many others, as they advanced the cause of freedom in the Republic of Korea.

Mr. SOLOMON. Well, PAUL, thank you very, very much for those eloquent remarks.

Mr. Speaker, let me now yield to our last speaker this evening, which would be my good friend, another freshman Member of this body that we can be so proud of, the gentleman from Abington, Pennsylvania, JON FOX, a veteran of the U.S. Air Force.

The SPEAKER pro tempore (Mr. KIM). If the gentleman would suspend, the Chair wants to make one statement. There being no present designee of the minority leader, the gentleman from New York [Mr. SOLOMON] may continue for the balance of the time remaining before midnight.

Mr. SOLOMON. Thank you, Mr. Speaker, and I yield to the gentleman from Pennsylvania, JON FOX.

Mr. FOX. Thank you, Mr. Speaker.

Mr. Speaker, all Members of Congress, from both Houses and both sides of the aisle join together tonight in salute to our proud Veterans of the Korean war.

I want to give special thanks to the patriots who have spoken before me and given much more than I have, people like JERRY SOLOMON, FRED HEINEMAN, WES COOLEY, and PAUL MCHALE. These gentlemen have given much to our country, along with the other veterans who have done so much, and I hope that those who hear about the Korean Memorial that will be unveiled tomorrow will be an inspiration to those who wish to serve this country and have served this country to continue making sure that this country will remain vigilant to any aggression against the United States.

The Korean war, Mr. Speaker, was the first multinational military action in the history of the United Nations. It helped stop the spread of communism aggression in the Pacific Rim and contributed, Mr. Speaker, to the eventual demise of communism in Europe.

On June 25, 1950, the North Korean Army, which was organized and equipped by the Soviet Union, lunged across the 38th Parallel, the demarcation line established between North and South Korea at the end of World War II, and attacked South Korea.

President Truman responded immediately by committing U.S. forces to the defense of South Korea. Simultaneously, the United Nations Security Council called upon member nations to do the same, and a multinational force consisting of 22 nations formed to face the crisis.

The North Korean Offensive drove defenders to the southeast corner of the Korean Peninsula. There, the Pusan perimeter was established and, reinforced by American divisions, held despite bitter battles.

The outstanding work and the service of the Marine Corps as outlined by the prior speakers is well documented and it is a shining example for all to follow. The heroic defense was made possible by a brilliantly conceived amphibious landing at Inchon which enveloped the overextended North Korean army and recaptured the capital city of Seoul. Approximately 1,500,000 U.S. military personnel served in Korea out of a Total Korean war-era U.S. Worldwide military force of more than 5.7 million. More than 54,000 U.S. military service personnel died around the world during the Korean war era. The Republic of Korea lost more than 225,000 men in combat during that time. Some 22 nations supplied personnel for the U.N. force in Korea.

Mr. Speaker, the Korean War Veterans Memorial in the Nation's capital pays tribute to all those who served in the Korean war and the American spirit of service to one's country. It honors the patriotism, Mr. Speaker, of millions of brave men and women throughout the history of the United States who have responded to the call of duty, and it expresses the Nation's gratitude to those willing to make extreme sacrifices to the cause of freedom.

Tomorrow at 3 p.m. at the Korean memorial the wreath laying ceremony will take place in salute of our Korean war Veterans, and as JERRY SOLOMON said, the forgotten war and the forgotten Veterans will no longer be forgotten because of a grateful Nation. We will salute the veterans tomorrow and salute them every day forward. I thank these Marines who allowed me to join with them tonight, because a grateful Congress is very appreciative and will forever remember your contributions.

Mr. SOLOMON. JON, thank you very, very much for those very, very fine words, and we will see you at the Korean war memorial tomorrow at 3 p.m.

Mr. Speaker, let me yield one more time to our very good friend from Bethlehem, Pennsylvania, PAUL MCHALE.

Mr. MCHALE. JERRY, I thank you very much.

Mr. Speaker, in closing my remarks, I would like to quote from an extremely well written newspaper article written by Joe Wheelan of the Associated Press as it appeared yesterday in the Washington Times. It supplements and complements the remarks made earlier by my good friend and colleague JERRY SOLOMON in describing the ferocious combat that took place at the Chosin Reservoir. It, I think, captures the spirit of the courage of those brave Marines.

Quoting from Joe Wheelan:

The Chosin Reservoir. Frozen Chosin. Where the 1st Marine Division fought for 14 days in 30-below-zero temperatures against 120,000 Chinese.

The 16,000 Marines and 4,000 Army, British Royal Marines and South Korean troops broke out of the deadly Chinese trap between Nov. 27 and Dec. 11, 1950. They killed more than 40,000 Chinese while losing nearly 1,700 dead and 5,000 wounded.

Few battles have been waged under worse conditions. A one-lane dirt road through icy mountains was the only link to seaports 78 miles away. The brittle cold froze blood from wounds before it coagulated and turned guns, tanks, jeeps and food into blocks of ice. Stiffened corpses were stacked like cordwood.

''There were so many Chinese we used their frozen bodies for barricades, like sandbags,'' said Win Scott, who was a Marine private and now heads the Chosin Few veterans organization from Waynesville, N.C.

The 4,800-member association has expanded awareness of the largely forgotten battle. Chosin Few members will join other Korean War veterans for the dedication of the memorial, across the Reflecting Pool from the Vietnam Veterans Memorial.

The monument is a tribute to the 54,246 Americans killed in Korea in the 1950–53 war.

At Chosin, more medals were awarded than for any modern battle—17 Medals of Honor and 70 Navy Crosses.

Mr. Speaker, not long ago I had an opportunity to spend some time with the former commandant of the Marine Corps PX Kelly, an extraordinary Marine and a very brave man. In late 1983, shortly after the BLT headquarters was blown up in Beirut, then commandant PX Kelly visited a badly wounded and blinded Marine in a German hospital. As the commandant of the Marine Corps approached the side of the wounded Marine, and the Marine was informed that it was indeed the commandant approaching, he attempted to come to the position of attention. Overcome, appropriately, with emotion, that commandant of the Marine Corps uttered a phrase that will live in Marine Corps history, ''Oh Lord, where do we find men such as these?''

Since November 10, 1775, our Nation has found it in the United States Marine Corps.

Mr. SOLOMON. PAUL, again, thank you. Thank you so much for participating in this special order along with FRED HEINEMAN, WES COOLEY, and JON FOX, and let me just say that you mentioned the former commandant PX Kelly, and we are going to have the privilege of having him up in the Adirondack Mountains with me during the August break. Maybe I should not say this on the floor of this Congress, but he was one hell of a Marine.

Let me just close, Mr. Speaker, because we are running out of time, and because we were limited tonight because of the late session, and under House rules we cannot go beyond a certain time. That is why I asked general leave that Members have 5 legislative days to revise and extend their remarks and for those that could not participate because of the lack of time here this evening. Let me just emphasize one more time, and, PAUL, you brought it out so vividly, but during

the Vietnam war, which lasted more than a decade. The losses during the Vietnam War, which are still vivid in many Americans' minds but many cannot remember that far back to the Korean War 42 years ago, the very fact that the losses sustained in the Korean War during just three short years were almost identical to those of the Vietnam War over a period that took three and four times longer.

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That is just how ferocious it was and just how difficult it was for our young men and women serving in Korea at that time.

So let me just call attention one more time to say that tomorrow the Speaker has agreed not to have votes on the floor of this Congress between the hours of 2 and 4. We will have a bus leaving for Members of Congress to join several hundred thousand veterans and their families and their friends who will be at this finest of memorials to the Korean War, which will once and for all set to rest the forgotten war attitude of so many people. It no longer will be forgotten, thanks to that wonderful memorial.

I just invite everybody to go see it. It is so inspiring.

Mr. Speaker, with that, I thank everyone for participating in this special order.

Mr. BILIRAKIS. Mr. Speaker, war in Korea lasted 3 years. Yet, for most Americans, the Korean war remains a hazy event at best, lost between the magnitude of World War II and the upheaval of Vietnam. For many Americans, the conflict is best known because of the popular movie and television series "M*A*S*H."

The Korean war erupted on June 25, 1950, when 135,000 North Korea troops, spearheaded by 200 Russian-built tanks and planes, poured across the 38th parallel, crushing South Korean defenses. Three days later, President Truman ordered United States forces to defend South Korea.

Prompted by the action of the United States, the United Nations condemned the act of aggression. For the first time in its history, the United Nations created a United Nations Command, with the United States as its acting executive agent, to repel the attack of communist North Korea. In addition to the United States and South Korea, 20 other nations provided military contingents which served under the United Nations banner.

The fighting raged on for more than 3 years. Yet, the war received little attention back home. Active hostilities ended with an armistice on July 27, 1953.

During the war, 54,000 Americans died, including more than 34,000 on the battlefield. In addition, more than 103,000 Americans were wounded and some 8,000 are still missing or unaccounted for.

Despite their courage and sacrifice, the soldiers returning from Korea were not met with a hero's welcome. Instead, Korean veterans just blended back into the mainstream of American society. Their entitlement to national recognition is as valid today as ever. The time has come for the soldiers who stopped communist aggression in Northeast Asia to receive their proper place in history.

More than 5.7 million American servicemen and women were involved—directly or indirectly—in the Korean war. As a Korean era veteran, I am pleased that the Korean War Memorial is being dedicated on Thursday, July 27, 1995—the 42d anniversary of the armistice ending the war.

I believe it is fitting that we pay special tribute to the men and women who served during the Korean war. When the time came for courage and sacrifice, their generation stepped forward to serve their country. They left a peaceful civilian life for an uncertain future in uniform; they gave up the comforts of home for the horrors of the battlefield.

Regrettably, the 54,000 Americans who died in the cold of Korea fighting communism didn't live to see the fruits of their sacrifice, not only for Americans, but for hundreds of millions in Poland, Czechoslovakia, Hungary—even in the Republics of the former Soviet Union.

If only these heroes could be with us today to see the changes that have swept the globe because of what they did. The Berlin all has been reduced to a chunk of concrete on display at the Ronald Reagan Library in California and Leningrad once again is St. Petersburg. Incredibly, if they could travel to Moscow, they would be amazed to see more people standing in line to get a hamburger at McDonald's than used to visit Lenin's tomb.

Throughout history, America's veterans have served and served well. They saw democracy challenged and they defended it. They say civilization threatened and they rescued it. They say our rights endangered and they sought to restore them.

America can never fully repay these veterans, and we will never be able to express our feelings to our fallen soldiers. But we must never forget how blessed we are in the modern world to live in a free society, nor forget the sacrifices of our friends, relatives, neighbors and countrymen who served us all when duty called.

IN MEMORY OF GEORGE ROMNEY

The SPEAKER pro tempore (Mr. KIM). Under a previous order of the House, the gentleman from Michigan [Mr. CHRYSLER] is recognized for 5 minutes.

Mr. CHRYSLER. Mr. Speaker, I am here at this late hour to pay my respects to George Romney, the former Governor of the State of Michigan.

George Romney served the citizens of Michigan for many years and will be sorely missed by us all.

Katie and I consider ourselves friends of the Romney family, having worked many years with them on political and civic issues.

George Romney's personal philosophy has always been to be bold. That is the philosophy by which he lived and the philosophy by which he governed the State of Michigan. I think that is the philosophy that would fit well with the 104th Congress, and he told me to use it when I came here.

I remember when he used to climb fences to get into union halls to get in to talk to working men and women when he ran for Governor, and we should all remember the example George Romney set in his life as a public servant and as a great person after his time in office. His life should serve as an inspiration to us all as we continue to go about the work of the people of this country.

Me deepest sympathies go out to his wife, Lenore, and his entire family.

While George will be missed, we would do well to remember the shining example he was and still should remain, and at this moment when we adjourn this Congress tonight, a moment of silence in his honor would probably, I think, be appropriate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. CHENOWETH (at the request of Mr. ARMEY) for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

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

Mr. TOWNS, for 5 minutes, today.

Mr. FORD, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mrs. SCHROEDER, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

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

Mr. EHRLICH, for 5 minutes, today.

Mr. HOEKSTRA, for 5 minutes, today.

Mr. CHRYSLER, for 5 minutes, today.

Mr. FOX of Pennsylvania, for 5 minutes, today.

Mr. HOKE, for 5 minutes, today.

EXTENSION OF REMARKS

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

(Mr. BARR, on the Gilman amendment on H.R. 2076, in the Committee of the Whole today.)

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

Mr. OBERSTAR.

Mr. RANGEL.

Mr. HAMILTON.

Mr. FALEOMAVAEGA.

Mrs. COLLINS of Illinois, in two instances.

Mr. HALL of Ohio.

Mr. FAZIO of California.

Mr. MFUME.

Mr. ACKERMAN.

Mr. TORRES, in two instances.

Ms. WOOLSEY.

Mr. KILDEE.

Mr. TORRICELLI.

Mr. TRAFICANT.

Mr. MARKEY.
Mr. BONIOR, in two instances.
Mr. OWENS.
Ms. PELOSI.
(The following Members (at the request of Mr. HOEKSTRA) and to include extraneous matter:)
Mr. FIELDS of Texas.
Mr. KINGSTON.
Mr. PORTMAN.
Mr. SMITH of New Jersey.
Mr. PACKARD.
Mr. CAMP.
Mr. GILLMOR.
Mr. LIGHTFOOT.
Mr. KIM.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 11 o'clock and 54 minutes p.m.), the House adjourned until tomorrow, Thursday, July 27, 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:

[Omitted from the Record of July 25, 1995]

1245. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred at the Sacramento Air Logistics Center in Sacramento, CA, and in the headquarters of the Air Force Materiel Command at Wright-Patterson Air Force Base, OH, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1246. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for the transfer of defense services and technical data sold commercially to the United Kingdom (Transmittal No. DTC–45–95), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1247. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed issuance of export license for the transfer of defense articles and services sold commercially to the Peoples Republic of China (Transmittal No. DTC–28–95), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1248. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense articles and services sold commercially to Canada (Transmittal No. DTC–52–95), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1249. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense articles or services sold commercially to Russia (Transmittal No. DTC–51–95), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1250. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for the production of major military equipment with the Republic of Korea (Transmittal No. DTC 49–95), pursuant to 22 U.S.C. 2776(c) and (d); to the Committee on International Relations.

1251. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed issuance of export license Agreement for the transfer of defense services and technical data sold commercially to Germany and the United Kingdom (Transmittal No. DTC–46–95), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1252. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to the Arab Republic of Egypt (Transmittal No. DTC–46–95), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1253. A letter from the Secretary of Commerce, transmitting the annual report on the fishermen's contingency fund, pursuant to 43 U.S.C. 1846(a); to the Committee on Resources.

[Submitted July 26, 1995]

1254. A letter from the Secretary of Health and Human Services, transmitting the ninth report to Congress on health personnel in the United States, pursuant to 42 U.S.C. 295h–2(c); to the Committee on Commerce.

1255. A letter from the Secretary of Health and Human Services, transmitting the Department's annual report on the Public Housing Primary Care [PHPC] Program, which describes the utilization and cost of health care services provided to the residents of public housing in calendar years 1992 and 1993, pursuant to section 340A of the Public Health Service Act; to the Committee on Commerce.

1256. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–108, ''Augustana Lutheran Church Equitable Real Property Tax Relief Act of 1995,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1257. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–110, ''Washington Ethical Society Equitable Real Property Tax Relief Act of 1995,'' pursuant to D.C. Code, section 1–233 (c)(1); to the Committee on Government Reform and Oversight.

1258. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–111, ''Chevrah Tifereth Israel Equitable Real Property Tax Relief Act of 1995,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1259. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–107, ''Probate Reform Act of 1994 Amendment Act of 1995,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1260. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–112, ''Northwest Settlement House Equitable Real Property Tax Relief Act of 1995,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1261. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-113, ''Church of the Ascension and Saint Agnes Equitable Real Property Tax Relief Act of 1995,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1262. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–114, ''Prospect Hill Cemetery Equitable Real Property Tax Relief Act of 1995,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1263. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–115, ''Arena Tax Payment and Use Amendment Act of 1995,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1264. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–109, ''Community United Methodist Church Equitable Real Property Tax Relief Act of 1995,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1265. A letter from the Chair, Board of Directors, Office of Compliance, transmitting notification that the Board of Directors has approved the appointment of Dennis P. Duffy to serve as General Counsel of the Office of Compliance, pursuant to section 302(c)(1) of title III of the Congressional Accountability Act of 1995; to the Committee on House Oversight.

1266. A letter from the Assistant Secretary of Legislative Affairs, Department of State, transmitting notification of the Department's intent to obligate funds for additional program proposals for purposes of nonproliferation and disarmament fund [NDF] activities, pursuant to 22 U.S.C. 5858; jointly, to the Committees on Appropriations and International Relations.

1267. A letter from the Secretary of Health and Human Services, transmitting notification that the Department of Health and Human Services is allotting emergency funds made available under section 2602(e) of the Low-Income Home Energy Assistance Act of 1981 to the following States: Connecticut, Illinois, Indiana, Iowa, Kentucky, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, and Wisconsin, pursuant to section 2604(g) of the Low-Income Home Energy Assistance Act of 1981; jointly, to the Committees on Commerce and Economic and Educational Opportunities.

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. ROBERTS: Committee on Agriculture, H.R. 1103. A bill entitled, ''Amendments to the Perishable Agricultural Commodities Act, 1930''; with amendments (Rept. 104–207). 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. HOEKSTRA:

H.R. 2114. A bill to permit voters to vote for ''None of the Above'' in elections for Federal office and to require an additional election if ''None of the Above'' receives the most votes; to the Committee on House Oversight.

By Mr. HOEKSTRA (for himself, Mrs. FOWLER, Mr. HILLEARY, Mr. SANFORD, Mr. TATE, Mr. UPTON, Mr. HUTCHINSON, and Mr. HANCOCK):

H.R. 2115. A bill to establish a national advisory referendum on limiting the terms of

Members of Congress at the general election of 1996; to the Committee on House Oversight.

By Mr. HOEKSTRA:

H.R. 2116. A bill to establish a national advisory referendum on a flat income tax rate, and requiring a national vote to raise taxes at the general election of 1996; to the Committee on House Oversight.

H.R. 2117. A bill to provide that the voters of the United States be given the right, through advisory voter initiative, to propose the enactment and repeal of Federal laws in a national election; to the Committee on House Oversight, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LOFGREN:

H.R. 2118. A bill to amend the Internal Revenue Code of 1986 to allow a deduction to individuals for amounts paid for public school bus service; to the Committee on Ways and Means.

By Mr. PETRI:

H.R. 2119. A bill to amend the Federal Election Campaign Act of 1971 to require certain disclosure and reports relating to polling by telephone or electronic device; to the Committee on House Oversight.

By Mr. SERRANO (for himself, Mr. GUTIERREZ, and Ms. ROYBAL-ALLARD):

H.R. 2120. A bill to authorize appropriations for improvements in the naturalization process; to the Committee on the Judiciary.

By Mr. SHAW (for himself, Mr. MATSUI, Mr. CRANE, Mr. THOMAS, Mrs. JOHNSON of Connecticut, Mr. ZIMMER, Mr. PORTMAN, Mr. STARK, Mr. JACOBS, Mr. LEVIN, Mr. CARDIN, and Ms. DUNN of Washington):

H.R. 2121. A bill to amend the Internal Revenue Code of 1986 to simplify certain provisions applicable to real estate investment trusts; to the Committee on Ways and Means.

By Mrs. VUCANOVICH (for herself, and Mr. DOOLITTLE):

H.R. 2122. A bill to designate the Lake Tahoe Basin National Forest in the States of California and Nevada to be administered by the Secretary of Agriculture, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOEKSTRA:

H.J. Res. 103. Joint resolution proposing an amendment to the Constitution of the United States to give citizens of the United States the right to enact and repeal laws by voting on legislation in a national election; to the Committee on the Judiciary.

H.J. Res. 104. Joint resolution proposing an amendment to the Constitution of the United States to give citizens of the United States the right to propose amendments to the Constitution by an initiative process; to the Committee on the Judiciary.

H.J. Res. 105. Joint resolution proposing an amendment to the Constitution of the United States to give citizens of the United States the right to recall elected officials; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

[Omitted from the Record of July 25, 1995]

143. The SPEAKER presented a memorial of the Senate of the State of New York, relative to supporting ratification of the U.N. Convention on the Elimination of All Forms of Discrimination Against Women; to the Committee on International Relations.

ADDITIONAL SPONSORS

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

H.R. 44: Mr. OLVER, Mr. PALLONE, Mr. HALL of Texas, Mr. BURR, and Mr. HAYWORTH.

H.R. 103: Mr. BROWN of California and Mr. FORBES.

H.R. 109: Mr. WATTS of Oklahoma.

H.R. 123: Mr. CAMP, Mr. GALLEGLY, and Mr. NUSSLE.

H.R. 127: Mr. PALLONE, Mrs. KENNELLY, and Mr. MCCOLLUM.

H.R. 303: Mr. CUNNINGHAM.

H.R. 359: Mr. NEAL of Massachusetts.

H.R. 407: Mr. BROWN of Ohio.

H.R. 470: Mr. WALSH and Mr. RANGEL.

H.R. 491: Mr. HUTCHINSON, Mr. CREMEANS, Mr. KIM, and Mr. CALVERT.

H.R. 752: Mrs. MEEK of Florida, Mr. COX, Mr. CONDIT, Mr. HUNTER, Mr. BARTLETT of Maryland, Mr. UPTON, Mr. EHLERS, Mr. GALLEGLY, Mr. WOLF, Mr. WILLIAMS, Mr. KIM, Mr. FLANAGAN, Mr. GILMAN, Mr. LIVINGSTON, Mr. LATHAM, Mr. HOKE, Mr. BONILLA, Ms. DANNER, Mr. WAMP, Ms. PRYCE, Mr. ROBERTS, Mr. MICA, Mr. SPENCE, Mr. BOEHLERT, Mr. OXLEY, Mr. ZELIFF, Mr. ALLARD, Mr. MCINTOSH, Mr. JONES, Mr. GOODLING, Mr. MCINNIS, Mr. PAYNE of Virginia, Mr. ISTOOK, Mr. HORN, Mr. MYERS of Indiana, Mr. ROGERS, and Mr. BILIRAKIS.

H.R. 833: Mr. PASTOR,

H.R. 863: Mr. LIPINSKI, Mr. BISHOP, and Mr. PASTOR.

H.R. 892: Mr. THORNTON and Mr. PACKARD.

H.R. 922: Mr. GEJDENSON and Ms. RIVERS.

H.R. 941: Ms. LOFGREN, Ms. MOLINARI, and Ms. PELOSI.

H.R. 945: Mr. LOBIONDO and Mr. CRAMER.

H.R. 952: Mrs. MORELLA, Mr. TANNER, and Mr. HUTCHINSON.

H.R. 969: Ms. NORTON.

H.R. 972: Mr. PETERSON of Florida.

H.R. 995: Mr. HYDE.

H.R. 1006: Mr. WARD.

H.R. 1020: Mr. STOCKMAN, Mr. WALSH, Mr. RAMSTAD, Mr. JOHNSON of South Dakota, Mr. DAVIS, Mr. STENHOLM, Mr. BROWNBACK, Mr. PARKER, Mr. FLAKE, and Mr. SCOTT.

H.R. 1076: Mr. ENGLISH of Pennsylvania.

H.R. 1083: Mr. CRAPO.

H.R. 1138: Mr. DICKS.

H.R. 1161: Mr. KOLBE, Mr. PORTER, and Mr. LIVINGSTON.

H.R. 1210: Mr. NADLER.

H.R. 1221: Mr. DURBIN, Mr. MCDERMOTT, Mr. REYNOLDS, Mr. FRANK of Massachusetts, Mr. ACKERMAN, Mr. RANGEL, Mr. DELLUMS, Mr. MILLER of California, Ms. NORTON, Mr. FATTAH, Mr. HINCHEY, and Mr. MORAN.

H.R. 1223: Mr. LEWIS of California.

H.R. 1289: Mr. HAYWORTH.

H.R. 1339: Mr. STUPAK.

H.R. 1442: Mr. ENGEL.

H.R. 1460: Mr. ZIMMER and Mr. CALVERT.

H.R. 1496: Mr. SCHAEFER and Mr. RANGEL.

H.R. 1527: Mr. LEWIS of California, Mr. HAYWORTH, and Mr. COOLEY.

H.R. 1649: Mr. TEJEDA, Mr. GUTIERREZ, Mr. SCOTT, Mr. BEILENSON, Ms. MCKINNEY, and Mr. EVANS.

H.R. 1691: Mr. LEACH, Mr. MCCOLLUM, Mrs. ROUKEMA, Mr. BEREUTER, Mr. CASTLE, Mr. WELLER, Mr. HAYWORTH, Mr. BONO, Mr. NEY, Mr. EHRLICH, Mr. CREMEANS, Mr. FOX, Mr. HEINEMAN, Mr. LOBIONDO, Mr. WATTS of Oklahoma, Mrs. KELLY, Mr. MATSUI, Mr. CRAMER, Mr. FATTAH, Ms. NORTON, Mrs. MYRICK, Mr. ENGLISH of Pennsylvania, Mr. SPRATT, Ms. FURSE, Mr. BISHOP, Ms. LOFGREN, Mr. BROWN of California, Mr. FILNER, Mr. PARKER, Mr. CUNNINGHAM, Mrs. MEEK of Florida, Mr. HUTCHINSON, Mr. QUINN, Mr. BLUTE, Mr. BOEHLERT, Mr. TORKILDSEN, Mr. GOSS, Mrs. MORELLA, Mr. GILCHREST, Mr. GILMAN, Mr. MCKEON, Mr. MINETA, Mr. WALKER, and Mr. SHAYS.

H.R. 1801: Mr. STEARNS.

H.R. 1846: Mr. TOWNS.

H.R. 1885: Mr. SKELTON and Mr. HASTERT.

H.R. 1955: Mr. MARKEY, Mrs. CLAYTON, and Mr. FATTAH.

H.R. 1970: Mrs. LOWEY, Mr. SERRANO, Mrs. THURMAN, Mrs. MALONEY, Mr. GUTIERREZ, Mr. RUSH, and Ms. MCKINNEY.

H.R. 2019: Mr. BILBRAY.

H.R. 2063: Mr. OXLEY and Mrs. MYRICK.

H.R. 2104: Mr. JACOBS.

H.J. Res. 16: Mr. TAYLOR of Mississippi, Mr. QUILLEN, and Mr. CHAPMAN.

H.J. Res. 89: Mr. MCCOLLUM.

H. Con. Res. 78: Mr. MANTON, Ms. MCKINNEY, and Mr. BERMAN.

H. Res 181: Mr. MCNULTY and Mr. LEACH.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 359: Mr. WELDON of Florida.

H.R. 1442: Mr. TORRES.

H. Con. Res. 85: Mrs. THURMAN.

PETITIONS, ETC.

Under clause 1 of rule XXII,

[Omitted from the Record of July 25, 1995]

31. The SPEAKER presented a petition of the city of Worcester, MA, relative to endorsing an amendment to the Constitution to prohibit the physical desecration of the American flag; which was referred to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2076

OFFERED BY: MR. GOODLING

AMENDMENT NO. 57: Page 102, after line 20, insert the following:

SEC. 609. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the federal official having authority to obligate or expend such funds (1) that the United Nations undertaking is a peacekeeping mission, (2) that such undertaking will involve United States Armed Forces under the command or operational control of a foreign national, and (3) that the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

H.R. 2076

OFFERED BY: MR. ZIMMER

AMENDMENT NO. 58: Page 102, after line 20, insert the following new section:

SEC. . None of the funds made available in this Act shall be used to provide the following amenties or personal comforts in the federal prison system—

(A)(i) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;

(ii) the viewing of R, X, and NC–17 rated movies, through whatever medium presented;

(iii) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

(iv) possession of in-cell coffee pots, hot plates, or heating elements;

(v) the use or possession of any electric or electronic musical instrument.

H.R. 2099

OFFERED BY: MR. BARRETT OF WISCONSIN

AMENDMENT NO. 27: Page 87, after line 25, insert the following new section:

SEC. 519. None of the funds appropriated in title II of this Act may be used for any activity (including any infrastructure improvement), or to guarantee any loan for any activity, that is intended, or likely, to facilitate the relocation or expansion of any industrial or commercial plant, facility, or operation, from one area to another area, if the relocation or expansion will result in a loss of employment in the area from which the relocation or expansion occurs.

H.R. 2099

OFFERED BY: MR. BILBRAY

AMENDMENT NO. 28: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . No part of the funds appropriated in this act shall be used for the development or analysis of any information when it is made known to the Federal official having authority to obligate or expend such funds that such information is intended or designed to influence in any manner any member of a State or local legislature, to favor or oppose, by vote or otherwise, any legislation or appropriation by a State or local legislature, whether before or after the introduction of any measure proposing such legislation or appropriation.

H.R. 2099

OFFERED BY: MR. BORSKI

AMENDMENT NO. 29: Page 60, line 17, strike ''; *Provided further,*'' and all that follows before the period on line 21.

H.R. 2099

OFFERED BY: MR. BORSKI

AMENDMENT NO. 30: Page 63, lines 12 and 13, strike '': *Provided further,*'' and all that follows before the period on line 16.

H.R. 2099

OFFERED BY: MR. BROWN OF OHIO

AMENDMENT NO. 31: Page 59, line 23, before ''to remain available'' insert ''(increased by $440,000,000)''.

Page 64, line 16, after ''$320,000,000'' insert (reduced by $186,450,000)''.

H.R. 2099

OFFERED BY: MR. BROWN OF OHIO

AMENDMENT NO. 32: Page 59, line 23, strike ''$1,003,400,000'' and insert ''$1,443,400,000''.

Page 64, line 16, strike ''$320,000,000'' and insert ''$133,550,000''.

H.R. 2099

OFFERED BY MR. BROWN OF OHIO

AMENDMENT NO. 33: Page 87, after line 25, insert:

SEC. 519. The amounts otherwise provided by this Act are revised by reducing the amount made available to the Federal Emergency Management Agency to carry out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et. seq) by $186,450,000 and increasing the amount made available for the Hazardous Substance Superfund by $440,000,000.

H.R. 2099

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 34: Page 8, line 9, strike ''$16,713,521,000'' and insert ''$16,725,521,000''.

Page 79, line 23, strike ''$22,930,000'' and insert ''$6,000,000''.

H.R. 2099

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 35: Page 8, line 9, insert before the ''plus'' the following: ''(increased by ''$12,000,000),''.

Page 79, line 23, insert before the colon the following: ''(reduced by $16,930,000)''.

H.R. 2099

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 36: Page 79, line 23, strike ''$22,930,000'' and insert ''$6,000,000''.

H.R. 2099

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 37: Page 79, line 23, insert before the colon the following: ''(reduced by $16,930,000)''.

H.R. 2099

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 38: Page 59, line 23, before ''to remain available'' insert ''(increased by $440,000,000)''.

Page 64, line 16, after ''$320,000,000'' insert (reduced by $186,450,000)''.

H.R. 2099

OFFERED BY: MR. DINGELL

AMENDMENT NO. 39: Page 59, line 23, strike ''$1,003,400,000'' and insert ''$1,443,400,000''.

Page 64, line 16, strike ''$320,000,000'' and insert ''$133,550,000''.

H.R. 2099

OFFERED BY: MR. DINGELL

AMENDMENT NO. 40: Page 87, after line 25, insert:

SEC. 519. The amounts otherwise provided by this Act are revised by reducing the amount made available to the Federal Emergency Management Agency to carry out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et. seq) by $186,450,000 and increasing the amount made available for the Hazardous Substance Superfund by $440,000,000.

H.R. 2099

OFFERED BY: MR. FIELDS OF LOUISIANA

AMENDMENT NO. 41: Page 50, strike line 16 and all that follows through page 51, line 2, and insert the following:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS

OPERATING EXPENSES

For necessary expenses for the Corporation for National and Community Service in carrying out the programs, activities, and initiatives under the National and Community Service Act of 1990 (Public Law 103–82), $817,476,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $2,000,000.

Page 71, line 5, after the dollar amount, insert the following: ''(reduced by $819,476,000)''.

H.R. 2099

OFFERED BY: MR. FRANK OF MASSACHUSETTS

AMENDMENT NO. 42: Page 20, line 25, strike ''$10,182,359,000'' and insert ''$10,560,359,000''.

Page 37, strike ''(a)''in line 23 and all that follows through page 38, line 19.

Page 70, line 13, strike ''$5,449,600,000'' and insert ''$5,212,100,000''.

Page 71, line 5, strike ''$5,588,000,000'' and inset ''$5,233,000,000''.

Page 72, line 1, strike ''$2,618,200,000'' and insert ''$2,533,200,000''.

H.R. 2099

OFFERED BY: MR. GANSKE

AMENDMENT NO. 43: Page 70, lines 13 through 19, strike ''$5,449,600,000'' and all that follows through ''obligation until September 30, 1997'' and insert in lieu thereof ''$3,630,600,000 to remain available until September 30, 1997''.

H.R. 2099

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 44: Page 30 line 15 strike ''951,988,000'' and insert ''839,183,000''.

H.R. 2099

OFFERED BY: MS. JACKSON-LEE

AMENDMENT NO. 45: Page 28, line 3, strike ''$576,000,000'' and insert ''$601,000,000''.

Page 64, line 16, strike ''$320,000,000'' and insert ''$295,000,000''.

H.R. 2099

OFFERED BY: MS. JACKSON-LEE

AMENDMENT NO. 46: Page 60, line 21, insert the following after ''reauthorized.''

; ''*Provided further,* That with respect to funding appropriated under this heading, the Environmental Protection Agency should increase the allocation of such funds for emergency clean-up of hazardous sites in residential communities.''

H.R. 2099

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 47: Page 20, line 25, strike ''$10,041,589,000'' and insert ''$10,361,589,000''.

Page 64, line 16, strike ''$320,000,000'' and insert ''$0''.

Page 39, after line 17, insert the following new subsection:

(c) EXEMPTION OF ELDERLY AND DISABLED FAMILIES FROM RENT INCREASES.—Subsections (a) and (b) of this section shall not apply with respect to any elderly family or disabled family (as such terms are defined in section 3(b) of such Act) who, on October 1, 1995, is receiving rental assistance under section 8 of the United States Housing Act of 1937 or is occupying a dwelling unit assisted under such section.

H.R. 2099

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 48: Page 50, after line 5, insert the following new item:

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

FUND PROGRAM ACCOUNT

For grants, loans, and technical assistance to qualifying community development leaders, and administrative expenses of the Fund, $104,000,000, to remain available until expended.

H.R. 2099

OFFERED BY: MR. MCINTOSH

AMENDMENT NO. 49: At page 87 of the bill, after line 25, insert after the last section the following new section:

SEC. 59. None of the funds appropriated in this Act may be used to extend the requirements under Section 313 of the Emergency Planning and Community Right-to-Know Act (42 U.S.C. §11023) to owners and operators of facilities that are in Standard Industrial Classification Codes other than 20 through 39.

H.R. 2099

OFFERED BY: MR. OBEY

AMENDMENT NO. 50: Page 8, line 9, after the dollar amount, insert the following: ''(increased by $230,000, 000)''.

Page 16, strike lines 12 through 21.

Page 20, line 25, after the dollar amount insert the following: ''(increased by $400,000,000)''.

Page 21, line 15, after the dollar amount insert the following: ''(increased by $200,000,000)''.

Page 22, line 15, after the dollar amount insert the following: ''(increased by $200,000,000)''.

Page 70, line 13, after the dollar amount insert the following: ''(reduced by $1,600,000,000)''.

Page 71, line 5, after the dollar amount insert the following: ''(increased by $400,000,000)''.

H.R. 2099

OFFERED BY: MR. OBEY

AMENDMENT NO. 51: Page 8, line 9, after the dollar amount, insert the following: ''(increased by $400,000,000)''.

Page 20, line 25, after the dollar amount insert the following: ''(increased by $400,000,000)''.

Page 21, line 15, after the dollar amount insert the following: ''(increased by $200,000,000)''.

Page 22, line 15, after the dollar amount insert the following: ''(increased by $200,000,000)''.

Page 70, line 13, after the dollar amount insert the following: ''(reduced by $1,600,000,000)''.

Page 71, line 5, after the dollar amount insert the following: ''(increased by $400,000,000)''.

H.R. 2099

OFFERED BY: MR. PALLONE

AMENDMENT NO. 52: Page 54, beginning in line 1, strike ''*Provided further,* That'' and all that follows through ''as amended:'' in line 6.

Page 54, line 17, strike ''four'' and insert ''three''.

H.R. 2099

OFFERED BY: MR. PALLONE

AMENDMENT NO. 53: Page 56, line 17, strike '': *Provided*'' and all that follows to the colon on page 57, line 18.

H.R. 2099

OFFERED BY: MR. PALLONE

AMENDMENT NO. 54: Page 58, line 22, strike '': *Provided further,*'' and all that follows to the period on page 59, line 3.

H.R. 2099

OFFERED BY: MR. REED

AMENDMENT NO. 55: Page 58, line 21, strike the colon and all that follows down to the period in line 3 on page 59.

H.R. 2099

OFFERED BY: MR. REED

AMENDMENT NO. 56: Page 58, strike line 22 and all that follows down through line 3 on page 59 and insert: ''*Provided further,* That none of the funds appropriated under this heading may be used to assess a civil or administrative penalty action for any violation of Federal law when it is made known to the official to whom funds are appropriated that such violation was discovered through a voluntary audit and disclosed to a State agency under a State immunity law and corrected in a timely and appropriate manner.''.

H.R. 2099

OFFERED BY: MR. ROEMER

AMENDMENT NO. 57: Page 70, lines 13 through 19, strike ''$5,449,600,000'' and all that follows through ''obligation under September 30, 1997'' and insert in lieu thereof ''$3,849,600,000, to remain available until September 30, 1997''.

H.R. 2099

OFFERED BY: MR. SANDERS

AMENDMENT NO. 58: Page 16, line 12 through the matter following line 21, strike section 107.

Page 70, line 13, strike ''$5,449,600,000'' and insert in lieu thereof ''$5,356,557,000''.

Page 72, line 1, strike ''$2,618,200,000'' and insert in lieu thereof ''$2,554,587,000''.

Page 78, line 17, strike ''$127,310,000'' and insert in lieu thereof ''$123,966,000''.

Page 79, line 23, strike ''$22,930,000'' and insert in lieu thereof ''$12,930,000''.

H.R. 2099

OFFERED BY: MR. SANDERS

AMENDMENT NO. 59: Page 16, line 12 through the matter following line 21, strike section 107.

Page 70, line 13, after the dollar amount insert the following: ''(reduced by $93,043,000)''.

Page 72, line 1, after the dollar amount insert the following: ''(reduced by $63,613,000)''.

Page 78 line 17, after the dollar amount insert the following: ''(reduced by $3,344,000)''.

Page 79, line 23, after the dollar amount insert the following: ''(reduced by $10,000,000)''.

H.R. 2099

OFFERED BY: MR. SANDERS

AMENDMENT NO. 60: Page 51, line 7, strike ''$9,000,000'' and insert in lieu thereof ''$9,429,000''.

Page 72, line 1, strike ''$2,618,200,000'' and insert in lieu thereof ''$2,617,771,000''.

H.R. 2099

OFFERED BY: MR. SANDERS

AMENDMENT NO. 61: Page 51, line 7, after the dollar amount insert the following: ''(increased by $429,000)''.

Page 72, line 1, after the dollar amount insert the following: ''(decreased by $429,000)''.

H.R. 2099

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 62: Page 54, beginning on line 6, strike ''*Provided further,* That none of the funds appropriated under this heading may be used to implement or enforce section 404 of the Federal Water Pollution Control Act, as amended:''

H.R. 2099

OFFERED BY: MR. STOKES

AMENDMENT NO. 63: page 22, after ''Secretary:'' on line 14, insert

''*Provided further,* That if authorizing legislation is not enacted into law by December 31, 1995, the amount provided for voucher assistance may be reallocated by the Secretary to public housing modernization, drug elimination grants, and section 8 incremental rental assistance:''

H.R. 2099

OFFERED BY: MR. STOKES

AMENDMENT NO. 64: page 30, after ''1988,'' on line 6, insert

''and for the fair housing initiatives program as authorized by the Housing and Community Development Act of 1987,''

H.R. 2099

OFFERED BY: MR. STOKES

AMENDMENT NO. 65: Page 41, strike line 1 through ''(2)'' on line 5.

Page 45, strike line 22 through page 46, line 7.

H.R. 2099

OFFERED BY: MR. STOKES

AMENDMENT NO. 66: Page 53, line 18, strike '': *Provided*'' and all that follows through ''appropriate'' on page 55, line 9.

Page 55, line 19, strike ''*Provided*'' and all that follows through ''concerns'' on page 59, line 3.

H.R. 2099

OFFERED BY: MR. STOKES

AMENDMENT NO. 67: Page 55, line 19, strike '': *Provided*'' and all that follows through ''apply'' on page 56, line 3.

H.R. 2099

OFFERED BY: MR. TORRICELLI

AMENDMENT NO. 68: Page 87, after line 25, insert the following new section:

SEC. . None of the funds provided in this Act may be obligated or expended to make a payment or grant to a State home under subchapter V of chapter 17 of title 38, United States Code, when it is made known to the Federal official having authority to obligate or expend such funds—

(1) that the State home (or other State entity acting on behalf of the State home) has after August 1, 1995, entered into a contract for, or otherwise arranged for, the performance by individuals who are not employees of the State of any function at that home relating, directly or indirectly, to the provision of medical care for, or affecting the quality of life of, patients at that State home; and

(2) that the performance of that function at that home by individuals who are not employees of the State will have an adverse effect on the quality of medical care for, or the quality of life of, patients at that home.

H.R. 2099

OFFERED BY: MR. VENTO

AMENDMENT NO. 69: Page 28, line 3, after the dollar amount insert the following ''(increased by $184,000,000)''.

Page 64, line 16, before the last comma insert ''(reduced by $235,000,000)''.

Page 66, line 15, after the dollar amount insert the following ''(increased by $30,000,000)''.

H.R. 2099

OFFERED BY: MR. WELDON OF FLORIDA

AMENDMENT NO. 70: At the end of the bill, add the following new title:

TITLE VI—ADDITIONAL PROVISIONS

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MAJOR PROJECT

(INCLUDING TRANSFER OF FUNDS)

For construction of a medical facility in Brevard County, Florida, to be derived by transfer from the amount provided in title III of this Act under the heading ''Federal Emergency Management Agency-Disaster Relief'', $154,700,000.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, WEDNESDAY, JULY 26, 1995 No. 122

Senate

(Legislative day of Monday, July 10, 1995)

The Senate met at 8:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today we have a guest chaplain, Dr. Gary Hollingsworth, of the First Baptist Church of Alexandria. He is a guest of Senator HELMS.

PRAYER

The guest chaplain, Dr. Gary L. Hollingsworth, offered the following prayer:

Let us pray together:

Loving God, we thank You for the wonderful gift of a new day. You have said, ''This is the day the Lord has made, let us rejoice and be glad in it.''—Psalm 118:24.

May today be a day of gladness and rejoicing. We rejoice in Your mercy, Your patience, and Your justice. We are glad that You have provided everything we need for life now and life everlasting. We pray, dear God, for Your wisdom and Your will to be made known and done in this assembly today.

Your word tells us ''righteousness exalts a nation, but sin is a reproach to any people.''—Proverbs 14:34. Help us this day be righteous people. In so doing, Your promise to our Nation is secure. Grant Your wisdom to these women and men of the U.S. Senate who serve at Your pleasure for Your people. I pray they might have courage to do what is right and that they feel Your strength and protection as they serve You by serving others.

I pray also for their families and friends who often must sacrifice time and treasure so they may serve. Wherever they are, and whatever they are doing, speak a word of peace to them at this moment. May the issues before this assembly today be discussed and decided with firm reliance upon Your providence and guidance. Amen.

DR. GARY L. HOLLINGSWORTH

Mr. HELMS. Mr. President, let me begin by saying it is a source of great pride and pleasure to Dot Helms and me that Dr. Gary L. Hollingsworth has accepted the Senate's invitation to serve as guest chaplain today.

His eloquent prayer was typical of his great ministry—sincere, impressive, and deeply reverent.

The Nation very much needs to be remembered every day in the prayers of all of us, and we Senators need the prayerful support of all Americans that we will faithfully uphold the moral and spiritual principles set forth by our Founding Fathers.

Dr. Hollingsworth is pastor of First Baptist Church, Alexandria, which since its organization in 1803 has served the spiritual needs of countless citizens of the Nation's Capital and surrounding area. It is one of the truly historic churches of the area; its congregation numbers 2,850 members. The First Baptist annual budget has grown to $2 million. In addition to the spiritual needs of its congregation, First Baptist, Alexandria, serves many other local, national, and international ministries—for example in the Dominican Republic, Tanzania, Ukraine, and others.

Now, first a word about Dr. Hollingsworth: He and Gwen Beaman were married a few days before Christmas in 1978. They have two fine sons, Jonathan Andrew and Ryan Thomas.

Gary's friends are excited about his being a part of the U.S. Senate today—but I suspect his wonderful parents, L.T. and Magoline Hollingsworth, are excited most of all. A number of staff members and members of First Baptist, Alexandria, are here today and of course the Senate welcomes all of them as well.

For the remainder of today's Senate session, Dr. Hollingsworth will have the privilege of the Senate floor. He can come and go—meaning that he can meet the Senators, talk with them and maybe counsel some who need it most.

Thank you, Chaplain Hollingsworth, from the U.S. Senate, for this day, for being here today. Thank you, Mr. President.

I yield the floor. I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. HELMS. I ask unanimous consent that the order for the quorum call be rescinded.

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

BOSNIA AND HERZEGOVINA SELF-DEFENSE ACT OF 1995

Mr. HELMS. Mr. President, is there a unanimous consent stipulating what shall happen now? I assume the pending business is still the Bosnia resolution, is that correct?

The PRESIDENT pro tempore. The clerk will report.

The legislative 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.

Mr. HELMS. Mr. President, I inquire of the Chair if the first speaker on this has been identified in the unanimous consent?

The PRESIDENT pro tempore. The first speaker was to be the Senator from Connecticut, Senator DODD.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRAIG). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The PRESIDING OFFICER (Mrs. HUTCHISON). Without objection, it is so ordered.

Mr. LEVIN. Madam President, the fact that more than 3 years after the outbreak of hostilities in the Balkans we are debating the same issues that we did not resolve 3 years ago is surely proof of the failure of Western leaders to craft an effective policy against the expansionist brutality and ethnic cleansing that is going on in Bosnia, and it is surely proof it is a false hope to believe that aggression which is ignored will somehow stop on its own without the use of collective force.

There is no use in blaming NATO or blaming the United Nations. We have to blame the leading nations of NATO and the United Nations. Leading nations means the United States, the French, the British, and our other allies that have the responsibility to lead but that have collectively failed.

We have heard a lot about the failure of the United Nations and the failure of NATO, and, yes, there is plenty of failure there. But NATO and the United Nations are made up of countries, and those entities follow the decisions and the will of their members. So when the United Nations fails, it is because we or the British or the French or the Russians or other members of the Security Council and the General Assembly that make up the United Nations and will not allow it to do something have decided on that course of action.

The same thing is true with NATO. NATO has failed because we and the British and the French and the other members of NATO will not agree on a course of action in the Balkans. We have failed. Collectively we have failed.

There is no easy answer in Bosnia, but I am convinced that the least bad answer is to allow Bosnians to defend themselves. I have been convinced of that for a long time and nothing has changed my view. Quite the opposite. I am more convinced than ever that since we and Western Europe are not willing—no one is willing—to send in ground forces to defend the Bosnian Government and its people against aggression. The least we should do is allow them the right that every other government in the world has, and that is the right of self-defense. No other state recognized by the United Nations is being prevented from exercising this inherent right.

If lifting the embargo results in the United Nations leaving and if it results in the suspension of humanitarian relief, then at least the Bosnians will have been able to exercise their right to die fighting instead of having their hands tied by this embargo while they are being slaughtered.

I find it morally repugnant that we, the nations of the world, are denying Bosnia that right while being unwilling collectively to come to the defense of Bosnia. And it is particularly repugnant in light of the ethnic cleansing, the rape, the forced marches which the State Department has acknowledged are being carried out primarily by the Bosnian Serbs.

The United Nations estimates that the Bosnian Serbs have expelled, killed, or imprisoned over 90 percent of the 1,700,000 non-Serbs who before the war lived throughout the territory now held by the Bosnian Serbs. Now, it is not just in the name of decency that we must allow the Bosnians the right to fight back. In the hope of stopping Serb aggression before it spreads more widely, or before it involves neighboring countries and ultimately us in a wider, deeper conflict we must also allow the Bosnians the right to fight back.

At this point allowing the Bosnians to fight back seems to me to be the best hope of eventually stopping Serb expansionist drives. So it is not just that it is morally repugnant not to allow the Bosnians to defend themselves. As a practical matter I do not see any other way of stopping Serb expansionism unless someone tries physically to stop it. Who is going to try to stop it? Who is there fighting the Serbs in their expansionist goals? And they have them. Their goals for a greater Serbia which can spread into the Balkans and spread into Europe can once again be the source of a wider war which then drags in America as we have been dragged in twice in this century. So no one believes that allowing the Bosnians to defend themselves is going to Americanize the war more than doing nothing. Doing nothing will also result someday in America being dragged into a wider conflict. The only way to prevent a wider conflict is to allow someone who wants to fight against Serb expansionism to fight. That is what the Bosnians not only are willing to do, but they are pleading with us that they be allowed to do.

Bosnia has been littered by broken promises. None of us can be sanguine about the new threats of airstrikes that were made in the last few days. We look at the fine print of the London agreement and we see that us and our allies, NATO, and U.N. officials are still arguing about the dual-key approach, about who has the right to call in airstrikes and who has the right to veto them, and about whether or not the threats apply to Gorazde or whether or not they apply to all safe areas. We read in the morning newspaper that ''U.N. officials are now given the right to veto airstrikes by NATO.'' We were told last weekend no, they were not. NATO and the United Nations are again in disarray within a few days after presumably there had been an agreement. And if there is any principle involved in the London conference, in the London agreement, it was that a credible threat of airstrikes against strategic Serb targets in Bosnia would have at least a reasonable prospect of stopping an attack on Gorazde.

Now, that is what the Secretary of Defense told us yesterday. That at least a credible threat would have the possible effect of deterring an attack on Gorazde. It is not guaranteed that threat of an airstrike even if it is addressed at targets in Bosnia held by the Serbs outside of the immediate area, that a threat, a credible threat of a strong air attack would deter the attack, but at least there was that possibility. That is what is at the heart of the London declaration. Though then the question comes, if it is possible that the threat of a credible airstrike would stop an attack on Gorazde, why would not that same threat stop the attack on Sarajevo? Why do we not apply the Gorazde rules to Sarajevo? What London did was give a green light for an attack on Sarajevo because what it said was the threat of a credible air attack is limited to Gorazde. And when I asked the Secretary of Defense and Secretary of State yesterday, why do we not apply that same threat to stop this ongoing assault and siege of the capital of a nation that belongs to the United Nations, I was told we hope that same decision will be made relative to Sarajevo in the next few days.

Well, I hope it will be too. But I am not going to hold my breath. And I cannot honestly tell the people of Bosnia who have suffered for years that somehow or other these kinds of faltering steps, threat today, watered down tomorrow, threat today, not carried out tomorrow—that this can in any way protect them. There is only one thing that will protect the Bosnian people from the Bosnian Serb expansion, and that is if they are allowed to defend themselves. It has been proven year after year that this is their only defense. There is no other. Now, we are told that this would be a bad precedent, withdrawing from the U.N. resolution. But this would not be the first U.N. resolution which has been ignored in Bosnia and ignored by us. The U.N. Security Council passed a resolution last September which was an effort to punish the Serbs for rejecting the contact group's peace plan. Now, that resolution, just last September, declared that all states should ''desist from any political talks with the leadership of the Bosnian Serb party as long as that party has not accepted the proposed settlement in full.''

The U.N. resolution says, all states should ''desist from any political talks with the leadership of the Bosnian Serb party as long as that party has not accepted the proposed settlement in full.'' Within 4 months we violated that resolution unilaterally. There was no change in that resolution. We and other European officials went to Pale for political talks with the leadership of the Bosnian Serb party. U.S. Special Envoy Charles Thomas went there despite the fact that the preconditions which had been set for that direct dialog had not been met. Now, that was a blatant disregard, unilaterally for an important U.N. resolution. Of course,

that one was dealing with the Serbs. So I guess that one is overlooked. That does not count. It was a resolution very specifically regulating diplomatic and political and military matters. And we ignored it, unilaterally we ignored it. The U.S. Ambassador at that time, Victor Jackovich, objected to the visit and was recalled to Washington as a result of his statement of objection.

This genocide in Bosnia has taken on Orwellian aspects. UNPROFOR is no longer a protection force. Safe havens are neither safe nor are they havens. The contact group of nations is not making any significant contact with the warring parties on a peace agreement. And peacekeepers are now hostages and human shields.

Whatever else, whatever else, the United States and our allies have not mustered the will to defend Bosnia. And we cannot in conscience both enforce an embargo and tell the Bosnians that we are not going to defend you and we are not going to let you defend yourselves. We cannot in good conscience say both things at the same time. We are not going to defend you and we are not going to let you defend yourselves. It is one or the other. Morally it is one or the other, and also it is one or the other for very practical reasons. That is, unless there is a counterweight to Serb expansionism in Bosnia, it will continue. Next it will be Kosovo. Next it will be Croatia. Next other countries will become involved in stopping that expansion.

Next, other countries will respond to the first countries getting involved. Next, a Balkan war spreads to Europe.

There is no easy answer in Bosnia, and anyone who thinks that there is a cure is making a terrible mistake.

Allowing the Bosnians to defend themselves has risks. The status quo has risks. And in judging which are the greater risks, nobody can be sure that their judgment is right. But year after year, I have felt that with all of the clash of pros and cons, there is one nugget of truth, and that is the right of self-defense, of that I am sure.

I am sure that the U.N. Charter, an international law, permits every nation the right of self-defense. I am sure that this country has stood for that for as long as we have been in existence. We have stopped standing for that in Bosnia.

Later on today, the Senate will reassert that fundamental belief that every nation has a right of self-defense, and if there is anyplace where that right is appropriate, it is in a place that has been the victim of a genocide.

I never thought we would hear the words ''ethnic cleansing'' again in this century. We not only heard them, we have watched them. We have watched ethnic cleansing operate. We saw a picture in the paper of Serbian troops separating men from women and children. The men going that way, probably to slaughter; the women and children going this way, probably to rape or to other horrors. That picture reminded me of another picture that took place in a concentration camp about 50 years ago, where Gestapo agents, at the doors of the camp, separated families, some to their death, a few to survive.

It is time to let the Bosnians defend themselves. It has been long overdue and the Senate today is going to make a statement, which I hope is a powerful statement that is, if we cannot stop genocide, and if we are unwilling to stop it, we certainly must let the victims of the genocide try to protect themselves from that horror.

Madam President, I yield the floor. 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. NICKLES. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. NICKLES. Madam President, I rise today in support of the resolution that is before the Senate, the resolution sponsored by Senator DOLE, Senator LIEBERMAN, and many others. I compliment them for this resolution. I also compliment many of my colleagues who spoke so eloquently on this issue yesterday.

I was one that wanted to speak. I noticed the Presiding Officer made an excellent speech last night. Several other of my colleagues, Senator MCCAIN and others, spoke eloquently on the need for this resolution. I compliment them for it.

Madam President, my involvement in the former Yugoslavia probably started with a trip that I made with Senator DOLE to Yugoslavia in the summer of 1990. I learned a lot about the former Yugoslavia and some of the Republics at that time. I must say my eyes were opened. I was shocked by some of the things I had seen, by some of the discrimination, and I will say hatred, by some of the leaders in Serbia, particularly Mr. Milosevic.

I remember Senator DOLE and others on the trip, we wanted to go into Kosovo. Mr. Milosevic did not want us to go. I remember there were so-called elections in Serbia about that time. He stole the elections. But he did not want us to go into Kosovo because of all the problems. We wanted to go into Kosovo because we heard of human rights violations. They did not want us to find out about it.

The people of Kosovo wanted us to go, and we initially went. We went because of the leadership of Senator DOLE. Even the State Department said they did not know about this, but Senator DOLE said no, we are going to go, and we went after hours of haggling negotiations. We eventually went.

We saw thousands of people—Albanians. Kosovo is about 85 percent Albanian. They were really oppressed. They had been denied jobs. Their newspapers had been shut down. They were denied access to radios. They were expelled from hospitals, from universities, and other institutions.

Frankly, the leaders in Serbia—and I hope you will note I am talking about the leaders, because not all Serbs are bad. Certainly, in my opinion, they have some very bad leadership. They distorted the whole thrust of our intentions. Our intentions were to listen to the people, and they tried to deny us that access.

We did listen to many of the people in Kosovo on both sides of the issue. We saw mass demonstrations, thousands of people. In many cases, the police tried to deny them access to us.

I will not forget that trip. I will not forget the leadership that Senator DOLE had in trying to make sure that we were able to see the people in Kosovo, and also I will not forget the way that Mr. Milosevic had distorted our trip, distorted the press afterward, and how he had suppressed some of the people in Kosovo.

It reminds me of the same trip where we were also in other countries, some of the Eastern European countries that were now experiencing democracy, and how excited they were; and then, to see this happening in the former Yugoslavia, and how sad that was.

Now we see some results later. I might mention as a result of that, we passed an amendment. I will mention that amendment. In the fall of 1990, that was opposed by the Bush administration, but the result of it was if we are going to give economic assistance to the republics in the former Yugoslavia, they must be showing some respect for human rights and democracy. Serbia did not qualify. Other Republics did qualify.

We had a heated debate on that. We had a conference on that one issue that lasted for hours. We passed that amendment—so-called Nickles-Dole amendment. It was one of the first legislative items we had dealing with the former Yugoslavia that said we want to support the forces that are trying to get human rights, freedom, and democracy. Again, I say, this is back in the fall of 1990, so this is not a new issue.

Mr. President, in thinking back a little more, and more recently, I remember an issue we had in the summer of 1993, where this Senator and others raised the prospect that we felt like this administration was trying to delegate too much authority to the United Nations. We had a vote on this floor. Actually, we had an amendment, and fought it for 2 days on the floor, saying we did not think U.S. military combatants should be placed under U.N. control.

We eventually lost that amendment. I think we made a point. Our point was that this administration was very intent on delegating U.S. military authority under the auspices of the United Nations. We stated then, 2 years ago, that would not work. I think the events in Bosnia, the events in the former Yugoslavia, have proven that to be the case. They have not worked.

The United Nations is not a military machine. It may be a diplomatic effort, but their efforts on the military front will certainly fail. They have failed.

We are witnessing a real tragedy, a real tragedy, and a lack of leadership from the United Nations, a lack of leadership from the United States. A lot of mistakes have been made. We continue to see war-torn Bosnia suffer as a result.

Mr. President, myself and others have met with the Prime Minister of Bosnia, and he said, ''Let us defend ourselves. Lift the arms embargo. The arms embargo that was placed in 1991 was placed on the entire Yugoslavia. There is not a Yugoslavia today.'' The arms embargo was not placed on the State of Bosnia.

Maybe we made a mistake in recognizing the State of Bosnia. But we have done that. That may have been a mistake. But Bosnia is an independent nation. They have a right to defend themselves.

Under the auspice of the United Nations, we said, well, we will have a resolution, we will designate safe areas. Those safe areas are not safe. The Senator from Texas pointed out last night, they are not safe.

It is a real tragedy, a human rights tragedy, when we see today genocide taking place, when we see people either being slaughtered, raped, or separated from their families with men on one side, women on another, and there are other people transported out—ethnic cleansing, happening today, in 1995, in the so-called safe areas, where we have a U.N. resolution saying this will be a safe area, and it is not safe.

Certainly, we should accede to the request of the people of Bosnia who say, ''At least let us protect ourselves.'' We should give them that opportunity. They have requested that opportunity. Some people say if we do that, think of the consequences. I think that is important. We should think of the consequences. What will happen? Who is in the best situation to make those determinations? I say the people of Bosnia.

The people of Bosnia are saying they are going to ask the U.N. so-called peacekeeping troops to leave. If they wish to do so, let us let them do so. If they want to have the ability to be able to protect themselves, certainly we should allow them to do that. Senator MCCAIN said on the floor last night that there are worse things than dying. Certainly if a family is being separated from their loved ones, they ought to at least have the opportunity to be able to fight for their families. We are not giving them that. We have given them a false umbrella called the U.N. safekeeping area, safe haven, and they have not proven to be safe. Surely we owe it to those individuals to allow them to be able to protect themselves. We have not done that under this administration.

As a candidate, President Clinton said he wanted to lift the embargo. They have made a couple of failed attempts. To me, again, that shows real lack of leadership. They made an attempt through the United Nations early in 1993 to have a multilateral lifting of the embargo. But it was not successful.

What happened between this and the previous administration when we had a world crisis in the Persian Gulf with the Bush administration? They were able to pass U.N. resolutions and enforce those U.N. resolutions. They had teeth. They had respect, and we were successful in getting our allies in the United Nations—and some people who you would not consider our allies in the United Nations—to support those resolutions to expel Saddam Hussein and the Iraqis from Kuwait. We built up a worldwide effort and community to oppose his aggression, to finance the opposition to that aggression and militarily put the forces together to repel that aggression. We passed U.N. resolutions, and we enforced those resolutions.

This administration 2 years later is not able to convince our allies to lift the embargo and, instead, is leading us down a road to surely significant U.S. military involvement, which I know has not been stated as the intention of this administration. Now they say, ''Well, if we lift the embargo, the U.N. troops are going to leave, and surely then it would be Americanization of the war.'' Why? Because this administration said we will supply 25,000 troops to get the U.N. troops out. So now we have U.S. ground troop involvement in Bosnia. Where did they come up with the 25,000 troops?

Madam President, 2 years ago when we had this debate on the floor and I was arguing against delegating U.S. authority to the United Nations, I was quoting administration sources that said they wanted to commit 25,000 troops to an international peacekeeping force in the former Yugoslavia. I argued against that. Yet, that is what this administration is trying to do. They said, ''Well, we have already made a commitment.'' Even when they made that public announcement of, ''Yes, we will put U.S. forces in for the withdrawal,'' a few weeks ago for the relocation of U.N. peacekeeping forces, where did that come from? They said, ''Well, we were continuing with the commitment of the Bush administration.'' That is not the case. That is not factual. The Bush administration never committed putting United States ground forces into the former Yugoslavia for any reason, not relocation of troops, not the extrication of the U.N. troops, not for any reason. They did say, ''Yes, we might have some air support'' for protection, or cover, or for whatever reason, but they did not say we would be putting in ground troops.

The Prime Minister of Bosnia has said, ''Why do you need 25,000 troops?'' Almost all of the U.N. troops are on the Bosnian Government's land, Moslem controlled, not Serb controlled area. I think they said 30 or 60 U.N. troops might be under the control of the Serbs. Why do we need 25,000 troops to get them out?

So I want to make it perfectly clear, I support the resolution lifting the arms embargo. I do not support the 25,000 troops that President Clinton made without consulting with Congress, certainly in contradiction to the previous administration's commitment in Yugoslavia. I do not think you need 25,000 troops to get U.N. troops out. Those are troops. They can get out. They have the capability of getting out. Why make this kind of unilateral commitment, ''Well, if they are going to get out, we have to make a commitment to help them get out?'' The Bosnian Government said they are going to ask them to leave; they have not been a help; they have not been a positive factor concerning this.

I will read a couple of quotes by the Bosnian Foreign Minister:

> I emphasize once again that we are not asking for foreign troops to come to Bosnia. I emphasize once again that we are only prepared to count on ourselves and no one else.

This is July 17 of this year.

He also said, and I quote this.

> * * * it's my assessment that you don't really need these NATO troops and certainly not these U.S. troops. The reason is that when these plans were drawn up, they were drawn up under worst case scenarios—number one, assuming a large number of U.N. and Serb controlled territory, and number two, assuming that Bosnian civilians would, somehow, prevent the U.N. troops from leaving.
>
> Well, on the first point, there are almost no U.N. troops left on Serb-controlled territory. They have all withdrawn to government-controlled territory; effectively, now, it is government troops that are protecting them, and we are ready to let them leave. As for Bosnian civilians preventing the U.N. from leaving, they've seen what the U.N. has done for them in Srebrenica, what it's doing for them in Zepa, what it needs to do for them in Gorazde, and, frankly, what it needs to do for them in Sarajevo. It's not a heck of a lot. I think most of the Bosnian civilians—I think all, frankly—would be glad to see the U.N. forces leave.

That was made July 18, 1995.

So basically the Bosnian Foreign Minister has said they are going to be asking the U.N. forces to leave. They have not helped. The safe areas have not. They are not safe. We have seen what happened in Srebrenica and Zepa. They are afraid of what is going to happen in Sarajevo. They are asking. And we have a letter on our desk that said:

> Please. I am writing to you today to once again appeal to the American people and the government to lift the illegal and the immoral arms embargo on our people.
>
> Today's vote is a vote for human life. It is a vote for right against wrong. It is not about politics. It is about doing the right thing.

He basically says, ''Let us defend ourselves.'' So why have a commitment of 25,000 troops? He said, ''We are going to let the troops out.'' The troops can get out. Do we have to get their equipment out? We are going to risk 25,000 troops to get out U.N. equipment? I do not think that equipment is worth it.

What happens when some forces happen to shoot down U.S. transport helicopters or destroy military equipment or personnel get locked in, or if they capture more pilots and they hold those captive and hostage? What are we going to do then? We are probably going to send in more troops to make sure we get them out.

In other words, the Bosnian people are not asking for United States forces. They are not asking that we send troops. Let us not do it. I think it would be a mistake. I think the administration made a mistake when they unilaterally said, oh, yes, we will commit 25,000 U.S. forces for the extrication of the U.N. forces. I think that is a mistake. And so I am going to be very clear that while I support the lifting of the arms embargo, I do not support U.S. ground forces to pull out the U.N. forces that were probably there by mistake in the first place.

Madam President, let us allow the Bosnians to defend themselves. Let us lift this embargo. This embargo was placed on the entire country of Yugoslavia, not on the nation of Bosnia. Bosnia has been recognized by the United Nations. It has been recognized by the United States. Maybe that was a mistake. But that was in 1991. Surely, they have a right to defend themselves as a sovereign country.

Madam President, further vacillations from this administration, which said in the past they are in favor of lifting the embargo but has been so ineffective in getting other countries to join us, is very regrettable. We need strong leadership in the United States, and we have not seen it. So it is with some regret I say that we are really refuting the President's policy, but it needs to be refuted.

I think we have serious mistakes that have been made in the former Yugoslavia, and as a result you see a real decline of United States leadership, United States prestige, United States influence, not only in Europe but I am afraid throughout the world. As to our ability in the United Nations, think of where we were under both the Reagan and Bush administrations when we had a great deal of influence in the United Nations where we were the leaders, where we were the leader, and now to see we do not have the capability to convince the allies to lift the embargo I think shows a real impotence by the United States, a real loss of prestige and influence on our allies. I regret that. I do not want that to happen. I do not care who is President.

This is a serious vote, one of the more serious votes we will have had in this body, and it is one that I do not relish—having congressional dictation of foreign policy. Many times that can be a mistake. But, Madam President, this administration's foreign policy has been a disaster. It has been a real disaster for the people of Bosnia. We need to change course. I think lifting the arms embargo is the first step.

And again, I wish to congratulate Senator DOLE and Senator LIEBERMAN and others who have had the persistence to bring this forward, particularly Senator DOLE, because, as I mentioned earlier in my comments, I went to the former Yugoslavia with him and I saw his persistence in trying to stand up for what he felt was right in helping the people who are really oppressed—at the time the people in Kosovo. I compliment him for that tenacity. And looking back, since we have been involved in amendments in the Chamber since 1990, this is not just about Presidential politics, as some people have alluded. This is much more important than that.

I urge my colleagues to support this resolution.

I yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, I thank the Chair.

Let me say at the outset that this is a most difficult issue. I have heard my colleagues over the last number of days talking about the Bosnian situation express I think during the remarks a degree of anguish. It is a policy that began to evolve prior to the arrival of this administration, with serious and difficult questions under the administration of President Bush, and this administration has obviously wrestled with them as well. I think in fact that my colleagues by and large during the expression of their remarks have also expressed a recognizable degree of uncertainty over which is the best course of action to follow.

And so with that in mind, let me begin by saying the obvious to all of us. Under our Constitution, the Senate plays a unique and important role in the conduct of foreign policy. In exercising our responsibilities, we bear an individual and collective obligation—to do that which is in the best interests of our country. We are Senators of the United States and no other nation. This is our most important priority.

That is not to say there may be other considerations, but they must always be secondary, always secondary, Madam President, to the interests of our country, the United States.

It is not uncommon obviously for Members of this body to arrive at entirely different conclusions regarding what those best interests may be. That is obviously the case with the conflict in Bosnia.

I respect deeply my colleagues who have concluded that the United Nations should leave Bosnia and the arms embargo be lifted, thus giving the beleaguered people of Bosnia the chance to defend themselves. I have nothing but the highest respect for them and the conclusions that they have drawn.

If, however, the only consideration were whether the victims, the Bosnian Moslems, should be able to fight back, then I believe the conclusion we would reach would be a simple one.

Unfortunately, the implications of removing U.N. forces and lifting the embargo could, could produce, Madam President, profound effects on the United States, on NATO, our most important strategic alliance, on other significant allies, on the nations and peoples neighboring Bosnia, and on the innocent people of Bosnia themselves, who have already suffered so much.

Just as the original decision, no matter how lamentable in hindsight, to impose the embargo and introduce U.N. forces triggered certain events, the tragic results of which we are witnessing today, so, too, could the decision to lift and leave create unwelcome results tomorrow. No matter how much we may wish to undo the mistakes of the past 3 years, let us not compound those mistakes by plunging into greater ones today.

The stakes, Madam President, are far too high and, in my view, the price far too dear. The obvious guilt that some people feel over the bloodstained land of Bosnia should not be equated with, in my view, the paralysis that afflicted Western leaders in the 1930's. Remember, six decades ago the world literally sat idly and watched the cruel advance of fascism. Whatever else may have been done wrong in Bosnia, we have not been mere observers to Serbian genocide.

Significant military, diplomatic, and political efforts have been tried to end the horror of Bosnia. It is totally wrong and profoundly dangerous, in my view, to our future interests to imply that Western leaders have once again been mere spectators to naked aggression.

It is a legitimate criticism, however, to suggest that more thought, far more thought should have been given to those earlier decisions and the likely Serbian reaction to them. But our failure to have been thoughtful once on Bosnia, in my view, is no justification for making the same mistakes again.

As we vie with one another to find new and more dramatic language to express our moral outrage over Serbian aggression, we have not even begun to exhaust our vocabulary. In my view, the worst is yet to come. For all that will be left in the pitiful land called Bosnia are two highly armed forces, locked in a death struggle with no regard for anyone who happens to be in their way, including, I fear, their own people.

I know my colleagues are impatient over this issue. It has gone on far too long. I know that my colleagues are horrified over the sickening atrocities. I know, Madam President, my colleagues are frustrated with the pathetic failure of the status quo policy. And I know my colleagues want to move on to other issues that we must try to resolve. My concern, Madam President, is that we are about to act out of passion at what we are witnessing in Bosnia, rather than acting after

careful analysis of what may be the unintended results of our legislative action.

Madam President, I pose the following six questions for my colleagues to consider before casting their vote on this vitally important resolution.

First, are we prepared to commit 20,000 to 25,000 United States ground forces to the Bosnian battlefield with the full knowledge, the full knowledge, that there are those who will seek to involve us in their cause?

Second, are we prepared to witness the collapse of multilateral embargoes we have engineered against Iraq, Libya, and Iran, not to mention the added difficulty we will have in leading and fashioning such future efforts?

Third, are we prepared to accept a deep and lasting fissure in the most vital and strategic alliance our Nation has anywhere in the world at the very hour, at the very hour that alliance faces uncertainty from Russia and the New Independent States which are staggering under the crippling economic, political, social, and military burdens?

Fourth, are we prepared to accept the likely broad-based political hostility from the people of our two oldest and most dependable allies in the world?

Fifth, do we accept the clear responsibility of our country if the lift-and-leave proposals in this resolution occur and the cancerous conflict of Bosnia spreads to the other Balkan States?

Sixth, and lastly, Madam President, what are we prepared to propose if the war in Bosnia escalates and today's mind-wrenching scenes are paled by comparison as thousands more innocent Bosnians are raped, murdered, cleansed, and left destitute?

Madam President, I do not argue that any or all of these questions can be answered with certainty if this resolution is adopted, but nor, Madam President, can those who propose this resolution argue that these results will never occur. The issue then must be which course poses the greater risk when the possible results are weighed against each other. The answer, I believe, is clear.

Gnashing our teeth over the current mess in Bosnia does not justify placing other vital interests of our country at risk not to mention the risk to the very people that this resolution seeks to deliver from harm's way.

Having concluded that this resolution should be rejected, Madam President, let me quickly add that I do not believe a continuation of the status quo is any more acceptable for many of the same reasons. The U.N. forces must be permitted in my view to fight back and fight back aggressively on the ground in the face of Serbian offensives. The role of these forces as nothing more than armed crossing guards is untenable. These troops are some of the best trained troops in the world. These troops have been trained to do one thing, Madam President. We ought to allow them to do it, that is, fight.

NATO's airstrikes are also critical in my view. Alone they will not complete the job, but in conjunction with an aggressive effort on the ground these targeted airstrikes on essential military targets could, I think, be decisive.

Madam President, President George Bush, to his everlasting credit, showed the world how future conflicts of this kind should be addressed; namely, by building international alliances and cooperation, no easy task indeed. President George Bush demonstrated in my view how effective the civilized world can be in handling these international thugs and simultaneously protecting our own vital interests.

This is not to say, Madam President, that every situation that threatens U.S. interests must only be addressed through international measures. That would be foolish. But where international burden sharing can be achieved, it should be sought.

What a great tragedy it would be if in the very first real test of the Bush doctrine it was the United States led by President Bush's own party that walked away and left our allies on their own. Can, Madam President, the United States, the only superpower on Earth, accept the burden and mantle of leadership the world anticipates from us? The answer to that question does not reside alone on 1600 Pennsylvania Avenue. Madam President, it resides in this Chamber on this day. It resides with each and every one of us who bear the obligation bestowed by our Constitution and constituents as U.S. Senators. That obligation, Mr. President, sometimes means casting a vote that is politically difficult but necessary to protect U.S. national interests. This is clearly in my view one of those moments. And I urge the rejection of the proposal.

Madam President, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Virginia.

Mr. WARNER. Would the Senator, Mr. President, remain for just a brief question or two?

Mr. DODD. Certainly.

Mr. WARNER. I listened very carefully to your rendition of the six questions. I am prepared to work on that. But I listened as you said them, and I think I got your words accurately with reference to the NATO forces. ''They should fight back. They are the finest troops in the world.''

I agree that they are the finest troops in the world. But, Mr. President, roughly speaking there are only 10,000 of the rapid reaction force that have been brought in. They are the ones and the first ones that have been equipped to engage in defensive operations and offense if the Senator's recommendation were to be adopted.

But my first question to you, there are roughly 10,000 French, British, and Dutch. My understanding is but a fourth or a third of those are actually in the region at this time. That is a relatively small force. Some have moved into the Sarajevo area. The Senator suggests that suddenly this force can wheel into action and adequately deter the overwhelming forces of the Bosnian Serbs. I find that unrealistic.

Mr. DODD. Well, I presume that is a question.

Mr. WARNER. Yes.

Mr. DODD. I will try and respond. Let me say I have great respect for my colleague from Virginia's knowledge in matters affecting NATO and military affairs.

I really point out, as I said, I think the status quo is unacceptable and that in my view a better alternative would be to give these forces who are well-trained, some of the best trained in the world, the opportunity to respond.

Last evening our colleague from Nebraska, Senator KERREY, spoke with eloquence, I believe, in describing a series of events where NATO forces, officers, with far fewer numbers than their Serbian aggressors handled the situations militarily in several instances that have not been widely reported but should be known by people because the assumption I think that is developing is that these soldiers that are there are cowards unwilling to fight. In fact when they have been placed in those situations, they have done a remarkably fine job.

Now whether or not the balance in the equation of forces is such that these troops could presently handle the extensive aggression by the Serbians is a legitimate question. But I think it begs the issue of whether or not it makes more sense to try and free up that force and let them do the job. I happen to believe, having read the U.N. resolutions, that there is enough flexibility in that language that these forces could be far more aggressive without going back to the Security Council and seeking broader authority for them to act. So if the issue is merely getting more troops in to do the job, then it seems to me that would be a better course of action to follow, I say to my colleague, than the issue of leaving to the Bosnians the unilateral decision to ask these troops to leave, lifting that embargo on weapons, under the assumption that during that period of time that there will not be even a broader, wider spread of aggression than we are presently seeing today.

Mr. WARNER. Mr. President, my distinguished colleague from Connecticut refers to the U.N. resolutions which he, who is indeed a very experienced and knowledgeable Member of the Senate as it relates to the United Nations and other matters, the Senator thinks they lend themselves to interpretation.

Mr. President, I say why were not they written clearly in the first instance? That is one of the major problems we have here is the lack of clarity, the lack of understanding of who has the authority to use force.

The headlines in today's paper start out with: ''NATO Gives U.N. Officials Veto on Airstrikes in Bosnia.''

Is that the type of chain of command that the Senator from Connecticut is suggesting can resolve this conflict?

Mr. DODD. My colleague from Virginia, Mr. President, will have no argument with this Senator over whether or not there have been serious blunders made over the last few years. I do not think necessarily we advance our cause by engaging in the kind of 20/20 hindsight with which no one is going to argue.

I quickly state, and my colleague from Connecticut is here, who is one of the principal authors of this resolution, had this body and others followed the advice of my colleague from Connecticut several years ago, I suspect we would not be here today engaged in this debate. I am not debating that point at all.

The points I tried to raise and, again, I believe probably a few other Members appreciate and understand the one particular point I tried to raise, and that is NATO. I do not think there has been another Member of this body over the past quarter of a century who has stood more often and fought harder to maintain the vital concern of that alliance.

My fear is, and it is shared, that we may do damage to that alliance at the moment when it is critically important we do everything possible to shore up that alliance. I cannot say with certainty that will happen. I do not buy the rhetoric in every case of those who suggest this is an absolute certainty.

But when I balance and weigh the risks between jeopardizing that relationship and the situation as it presently exists, I come down on the side of caution rather than running the risk of looking back and regretting deeply, in the legitimate call of doing something different than we are doing, placing in harm's way that most strategic alliance.

That is not the only reason I argue, but it seems to me we have to be careful, no matter how disappointed and how angry and how legitimately upset people are over what we are watching night after night, day after day with the human tragedy unfolding in Bosnia.

As tragic as all of that is, my deep concern is that in our resolve to answer those mistakes, we will make additional ones, in fact, fall prey to the same thing that occurred several years ago when we should have thought—I think my colleague from Connecticut yesterday in an eloquent set of remarks pointed out the people are well intentioned. I do not think he was arguing they were motivated by malevolence, but honestly thought, I guess, if you impose an embargo on the Bosnian Moslems, somehow that was going to bring the Bosnian Serbs to the negotiating table.

I do not think anybody had a corrupt intent with that in particular, except maybe the Serbians themselves, but it did not work. We did not think it through carefully.

Now the situation is different than at that particular moment. There is a lot more involved in the decisions we make than just the decision to go in or not. That is why I express that concern.

I will be honest with my two colleagues, this is really the first time I have spoken on this issue, because as I said to my colleague, this has been gnawing at me over what steps to take. I envy those who months ago, except those who have worked for years on this, came to a snappy conclusion on this. I think most of my constituents are deeply concerned and confused as to what is the best course to follow.

Mr. WARNER. Mr. President, let me speak for myself. I have not come to a quick, snappy decision. For 2 years plus I opposed the distinguished majority leader and my good friend from Connecticut steadfastly and have taken many of the positions that the senior Senator from Connecticut has taken.

Mr. DODD. No, I respect that.

Mr. WARNER. But I have changed my view because I think we can no longer, as a body, as the U.S. Senate, sit by idly. We have to take the initiative. The drafters of the resolution which is presently before us have radically changed from their earlier positions to where now they recognize there are a certain set of triggering mechanisms that should bring about the action sought; namely, the very basic right of people to defend themselves with such arms as they may require.

Here are today's dispatches:

> Thousands of terrified Bosnian refugees poured out of the captured enclave of Zepa today.

A safe haven which we basically demilitarized, took away the arms, thinking that for some reason, the Bosnian Serbs would honor the U.N. declaration that this was a safe haven. These people relied—relied, Mr. President—on what had been represented to them by the United Nations.

Despite the efforts to try to get clarity of chain of command and control, here is today's New York Times, if I may just read a paragraph:

> Four days after the United States, Britain, and France threatened the Bosnian Serbs with the heaviest airstrikes yet if they attacked the Moslem enclave of Gorazde, NATO officials said early this morning that they had agreed that no large-scale bombing could start unless United Nations civilian officials gave the go-ahead.

Clearly, again, the dual key. We just continue to go along indecisively as a partner to this decisionmaking between the United Nations and NATO. It is time, Mr. President, it is time some body politic in this world stood up and said, ''This is the course of action we can take,'' and that option is now before the U.S. Senate this very morning. In a matter of 3 hours, we will cast a vote which I hope will be heard around the world as this is the policy that should be followed henceforth. I commend the distinguished majority leader and the junior Senator from Connecticut for taking this action.

Mr. President, I thank my good friend and colleague, the senior Senator. We have worked together. We have traveled together on many issues relating to foreign affairs. While I regret he cannot at this point in time join, I hope that in the future there will be other opportunities when we can work together once again. I yield the floor.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I want to make a comment in regard to the story in the New York Times today referred to by my friend from Virginia, and to talk more broadly for a moment about some of the understandable and very sincere statements that my senior colleague from Connecticut made about the impact of our actions today on our NATO allies.

We have been in a historic alliance with the French and British, one of the great alliances of history, which successfully thwarted the advance of Soviet troops into Europe and beyond, and the cold war.

Part of what is being played out here—and I do not use that verb lightly—in the former Yugoslavia is the extent to which this great alliance, NATO, remains viable, the extent to which we have common interests or acknowledge that we have common interests, both in protecting stability in Europe and in having NATO be a force for stability in the world, which we continue to need.

Mr. President, the last two American administrations, the Bush administration, Republican, and the Clinton administration, Democratic, have either agreed with or gone along with our allies in Europe, particularly the British and the French, in their vision of what was happening in Yugoslavia and what they ought to do and ought not to do to try to stop it.

From the beginning, there has been a group of us in Congress on a bipartisan basis that has disagreed with the position of the administrations, the Bush and Clinton administrations, and our allies particularly in Britain and France. As I have said before, this is a Democratic administration, obviously, but Senator DOLE stood with me, and I with him and with many others of both parties during the Bush administration in criticizing that administration for standing by and letting this arms embargo continue to be imposed, particularly in response to the appeals of our allies of Britain and France.

President Clinton ran for office, as we have said, critical of the Bush administration for its weakness in Bosnia, urging the policy of lifting the arms embargo and then striking from the air. He came into office with that policy. A lot of Members had a high sense of hope. But as this debate has gone on, people say if you vote for this Dole-Lieberman proposal there will be more bloodshed, the war will be Americanized.

We have rebutted that and we will again. Do we not have a responsibility to listen to the people whose blood has been shed? What gives us the sense of presumptuousness, of moral paternalism, to say to these people who have lost 200,000 lives, that we are worried that what we are about to do, which they want us to do, give them the weapons to defend themselves, will shed more of their blood?

That is preposterous. It is outrageous. Think how we would feel if we were on the other side of this tragedy, attacked, having lost a substantial percentage of our population, watching our families separated, men in this direction, women in that direction, women raped, men slaughtered, refugees all around, torn from our homes because of our religion.

How would we feel in trying to fight back against these tanks and heavy artillery, with light weapons on our side, if the world not only stood by and watched this slaughter occurring, but it continued to impose an embargo that meant we could not make it a fair fight, that we could not stand up and fight for our families.

Mr. President, these excuses that have been given are really, to me, unacceptable. The Americanization of the war—we have responded to that as we have gone along, too; but what remains is the fact that as we look at this history, we continue to impose this illegal arms embargo.

Let me go back to the NATO allies. The allies talked Secretary Christopher out of the lift-and-strike position. The allies had a few months before, earlier in 1992, as a result of the first understanding of the atrocities being committed in Europe, the ITN British television crews going into the concentration camps—I cannot call them anything else. They called them ''detention camps'' at that time—emaciated bodies of men, clearly starving.

Yesterday, the International Tribunal in the Hague, authorized by the United Nations, indicted the President of the Bosnian Serbs, Mr. Karadzic and his chief of staff, General Mladic. Among the elements of the indictment is the operation of these detention camps and slaughtering of people.

Europeans at that point, very much on their own, felt pressure from world opinion. We, too, instead of responding with the basic and fundamental policy that at long last—this is 1992—give these victims, the Bosnians, the weapons with which to fight back. We did not do that. We maintained the embargo. And instead of using NATO air power to punish the Serbs for their aggression and genocide, what did we do? We sent in—we, at the urging of the Western European allies—sent in the United Nations on a peacekeeping mission where there was no peace, misusing the brave soldiers—British, French, Dutch, Bangladeshi, Jordanian, a whole host of countries that are there, Malaysian—sending them into combat without adequate weapons themselves, making a mistake for which we will pay for a long time, bringing the United Nations down because of the outrageous mission. That was the decision that was supported and led by our allies in Europe.

Allies are just like members of the same family—you have disagreements. It is a test of the strength of the family and a test of the strength of this alliance as to whether we can transcend the disagreement and go on and be allies.

Understand how this happened—the British and French led the drive to send in the United Nations to assert their own ability to deal with this problem in Europe. It was dealt with in a way that was ambivalent.

''If the sound of the trumpet be uncertain, who will follow into battle?'' Remember the words of the Scripture. The sound of that trumpet was extremely uncertain. No one followed in the battle except the Serbs who saw the weakness and continued the aggression.

The policy has continued. The strength of rejection of the policy has grown on a bipartisan basis here in Congress. That is what, I think, will be expressed later today.

Now the latest excuse for not acting—at every step we were told, Senator DOLE and I, ''Do not lift the arms embargo, they will seize hostages, U.N. personnel.'' The embargo has not been lifted, and hostages were seized. ''Do not lift the embargo, they will attack the safe havens.'' We did not lift the embargo, they attacked the safe havens. The latest excuse is the London communique, an agreement, an expression of strength by the NATO allies to use the might of NATO air power, a warning to the Serbs: Attack Gorazde and you will pay the price. As I have said here before in the last 3 or 4 days, a threat, not a policy to end the war, and a limited threat at that. Only going to one of the four so-called safe areas is sending a clear signal to the Serbs that the other three are open season. In fact, in the last 3 or 4 days, that is exactly what they have done, attacked Sarajevo, Tuzla, and particularly, Bihac. OK, a limited threat, but at least a threat with regard to Gorazde.

At least the assertion coming out of the meetings that the dual-key approach was over, that we no longer had to go to the United Nations, that NATO had finally taken control, and this great alliance was working, together, to stop aggression, instability in Europe, and genocide, once again, in this century, against a people, because of their religion.

What do we find? Today is Wednesday, 5 days later. Exactly what my friend and colleague, Senator WARNER from Virginia, has said. Apparently, it was not as strong a message from London. Apparently, the dual-key approach, where soldiers on the ground have to go to the U.N. politicians to get approval, and over and over, they have gone and been refused the right to strike back at those who are shooting at them.

I will read from the article in today's New York Times written from Brussels by Craig Whitney.

> Far from doing away with the cumbersome ''dual-key'' arrangement that the United States says has hampered NATO's ability to protect United Nations peacekeepers on the ground, the NATO allies in effect have sided with the United Nations Secretary-General Boutros Boutros-Ghali, who has been saying nobody could take his key away from him.
>
> The allies agreed to make what one NATO official called a ''strong recommendation'' to Mr. Boutros-Ghali to leave it to his military field commanders on the ground in Gorazde and elsewhere to decide when the time had come to start bombing the Serbs if they attacked.

Imagine this. We have gotten ourselves in a position where the strongest military alliance in the world today must make a plea to the Secretary General of the United Nations to allow this strong alliance to strike back at countries, at soldiers, that are not only attacking civilians in safe areas, but are attacking NATO soldiers.

Continuing:

> But since Mr. Boutros-Ghali has been extremely cautious about approving airstrikes in the past, what was meant to sound like a roar in London 4 days ago appeared likely to have been throttled down to something more like a growl by the time NATO ambassadors finished grappling with it in the small hours of Wednesday morning.

Mr. WARNER. Mr. President, will the Senator yield?

Mr. LIEBERMAN. I yield the floor.

Mr. WARNER. If the Senator will look at that article, there is the paragraph that deserves to be noted. It says as follows:

> The main pressure to preserve a decision-making role for Mr. Boutros-Ghali came from Britain and France. With nearly 15,000 soldiers on the ground in Bosnia who could suffer the consequences if bombing and Serb reactions to it spiral out of control, the countries pressed, in effect, for a series of political firewalls against precipitate American action from the air.

Then the next paragraph.

> In particular, French officials deny [I repeat deny] that they ever agreed last Friday in London to launch automatically what the American Secretary of Defense William Perry called a ''disproportionate response'' to an attack on Gorazde.

The U.S. Senate was highly influenced by the comments of the Secretary of Defense. I think he is a very fine and able individual. I do not know what the background is to this. He, along with the Secretary of State, were present yesterday in the Halls of the Senate. I met with both briefly.

But I find it very disconcerting when our allies undercut what Secretary Perry thought was a decision reached last week, and he personally was present at that time.

So I think that again we come back to who is going to make a decision in this frightful situation? I say the responsibility comes now to this body politic as the sole one in the world

willing to step up at this time and speak decisively on this critical issue.

Mr. LIEBERMAN. Mr. President, the Senator from Virginia is absolutely right. Yesterday, I was in a meeting with the Democratic Senators which Secretary Perry and Secretary Christopher addressed. I have the highest regard for both of them.

It is clear to me—I know they are acting with the best of intentions and sincerity here—that the policy they took and fought so hard for last week in London, and it appeared that they thought was adopted, was clearly not what the British and the French are willing to accept. The paragraph that the Senator from Virginia read is exactly where I was going, which is to say that our allies, presumably having accepted a policy in London on Friday, then at the NATO Ministers' meeting in Brussels yesterday have undercut it and set up Mr. Boutros-Ghali as their instrument to frustrate that.

I must say that I do not understand it because they do have troops on the ground. They are the ones who are most vulnerable if the NATO allies are not able to strike back against Serbian aggression. When will they understand that the Serbs will take the—who is smiling, who is laughing most at this story from Brussels? The Serbs are. The signals are clear. ''Do what you want with the three of the four remaining areas, 'safe areas,' incredulously titled today. And as for Gorazde, don't worry too much about attacking that either eventually because the West does not have its act together.'' That was just a toothless tiger roaring, or growling, as the article in the Times today said, from London.

I want to make two points about this. The first is to my colleagues who are going to vote in a few hours, and it is an important vote. Please read this article. Then I simply do not know how any colleague in good conscience could say that the policy emanating from the London communique is a reason not to vote to lift the arms embargo. This sense that somehow the calvary was coming and, therefore, the victims do not need to defend themselves is not so. It is simply not so. That is not a reason to sustain this illegal, immoral arms embargo.

The second point is, and let us acknowledge it, that we continue to have a fundamental difference of opinion—that is, the bipartisan majority here in the Senate, bipartisan majority in the other body—with our allies in Britain and France. Let us acknowledge it. We acknowledge it.

I do not understand how our Western European allies, having gone through two world wars in Europe this century because aggression was not stopped early, can stand by and not see that they have an interest in stopping aggression here before it goes on to Kosovo, and then to Macedonia, which will bring in Greece and Turkey, Bulgaria, Albania, and in the worst of all circumstances will create truly another tragic wider war in the Balkans. But they have apparently not reached that conclusion.

Let us acknowledge here what we are saying. We disagree with our allies. Let us acknowledge also that that disagreement puts in doubt, sadly unsettlingly, the viability of this great alliance.

I think we have to figure out a way to disagree within the family and still remain strong. We have to figure out a way. Looking back in hindsight I wish that both the Bush and Clinton administrations had figured out a way to lead our NATO allies to a stronger policy, the policy of lifting the embargo and striking from the air. I truly believe that if we had implemented that policy in 1992, the war would be over today. A settlement would have been reached because the Serbs finally would have been given a reason to stop their aggression.

Mr. WARNER. Mr. President, could the Senator forbear for a moment?

Mr. LIEBERMAN. Yes.

Mr. WARNER. We have but a few moments left.

The Senator from Connecticut raised a very clear point. In today's New York Times—and I ask unanimous consent to have printed in the RECORD certain backup documents to this important colloquy.

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

U.S. DEPARTMENT OF STATE—PRESS BRIEFING BY SECRETARY OF STATE WARREN CHRISTOPHER, SECRETARY OF DEFENSE WILLIAM PERRY, CHAIRMAN, JOINT CHIEFS OF STAFF, GEN. JOHN SHALIKASHVILI, JULY 21, 1995

Secretary CHRISTOPHER. Good evening. On behalf of the entire United States delegation, I want to thank Prime Minister Major for convening today's conference and Foreign Secretary Rifkind for his very skillful chairmanship.

None of us is under any illusion about today's meeting. By now we're all too aware that no conference, including this one, can end the war and suffering in the former Yugoslavia. What a conference of this kind can do is to focus our minds on how we can best contribute to alleviating suffering and achieving a negotiated settlement. This conference has served as a decision-forcing event. As I told my colleagues today, the entire world is watching us, waiting to see if the West will answer the Bosnian Serbs' outrageous aggression.

We face a very simple and stark choice: either the international community rapidly takes firm steps to fulfill its mission in Bosnia or its mission will collapse. Today we have agreed on several actions which, if vigorously implemented, offer a real opportunity to reassert the international community's role in Bosnia.

Let me stress the obvious: to have any chance of success the decisions made today must be translated, translated quickly into reality on the ground. President Clinton and the United States are determined to do so. The international community and the people of Bosnia simply cannot afford any more empty threats. Let me briefly review what the United States believes to be the central elements of today's agreement.

First, the unanimous reaffirmation that UNPROFOR will remain in Bosnia. In order to do so, its ability to fulfill its mandate will be strengthened. We are all painfully aware of UNPROFOR's shortcomings. Nevertheless, we agree that UNPROFOR's collapse in the face of Bosnian Serb aggression can only lead to far greater humanitarian tragedy and strategic danger in the Balkans.

Second, and of most immediate concern. Gorazde will be defended. Bosnian Serb leaders are now on notice that an attack against Gorazde will be met by substantial and decisive air power. Secretary Perry and General Shalikashvili can speak more fully on the military aspects of the plan, but let me make just a couple of points. Any air campaign in Gorazde will include significant attacks on significant targets. There'll be no more pin-prick strikes. Moreover, existing command and control arrangements for use of NATO air power will be significantly adjusted to ensure that responsiveness and unity, our purposes, are achieved. The new system is a much improved system.

Third, we will take steps to stabilize the situation in Sarajevo. Its people must be fed. French and British troops from the Rapid Reaction Force will take action to open and secure humanitarian access routes. At the same time, we agreed more broadly on the need to fullfill the United Nations other mandates, including that in the other safe areas. In this regard we are especially concerned about the escalating Bosnian Serb attacks in Bihac.

Fourth, we're agreed on the need to support on-going efforts to address Bosnia's deep humanitarian needs, which have certainly been exacerbated by the fighting in Srebrenica and Zepa. We intend and we are urging others to increase our contribution, especially in advance of the coming winter.

Fifth, we reaffirmed our belief that the conflict in Yugoslavia can only be resolved by a political settlement. Today we received an update from the European Union's representative Carl Bildt and we underscored our support for this work. Tonight the Contract Group ministers will be meeting with Mr. Bildt to review his political efforts. At the same time, during the conference, I made clear our belief that so long as the Bosnian Serb aggression continues, any political process is doomed to failure. Our first step must be to take action that can return an element of stability on the ground. At that point we agreed that a country wide ceasefire should be declared which can be used as a basis for a resumption of the negotiations.

Finally, today's participants are fully aware of the risks that will accompany any effort to implement UNPROFOR's mission more vigorously. The Bosnian Serbs have taken hostages before and they may do so again. As part of today's plan, we are urging the United Nations to take steps immediately to minimize the exposure of its personnel. At the same time, we're determined that the taking of hostages will no longer be allowed to prevent the implementation of our policies. We are also resolved to hold the Bosnian Serb leaders fully responsible for the safety and personnel of any UN personnel that they have detained.

Let me say again that President Clinton is committed to working with our partners, all of them—especially France and Britain—to see that the decisions we take today are translated into reality. We do not seek to make the international community a participant in the war in Bosnia, but we're determined to make another, perhaps final effort to fulfill the world's responsibilities in Bosnia. Today's meeting was a necessary first step toward that goal. Now we must act. Thank you.

I believe that Secretary Perry and General Shalikashvili will not have opening remarks,

but I'm sure you'll have some questions for them as well as for me.

QUESTION. Secretary, could you clear up a couple of things? We had been told earlier by our Defense officials that this ultimatum would apply to an attack on Sarajevo as well. And according to Secretary Ritkind, that is not the case. It would only apply, according to the Chairman's statements, to an attack on Gorazde. So could you clear that up, and also could you clarify French claims that there is a commitment of American helicopter lift to bring in troops to Gorazde?

Secretary CHRISTOPHER. With respect to the first question, the conference today focused on Gorazde because that seemed to be the area of greatest immediate threat. Having attacked and apparently overcome both the enclaves in Srebrenica and Zepa, the next one evidently on the target list is Gorazde. So we focused our primary concern on that, but at the same time we were concerned about all the safe areas. Now with respect to Sarajevo, the focus there was on the use of Rapid Reaction Force to ensure that there will be opportunities for humanitarian aid to get through. But let me emphasize this: should the Bosnian Serbs launch the kind of shelling attack that they have had on Srebrenica and Zepa, should they launch that kind of attack on other safe areas, these procedures can be promptly applied to those other areas and we stand ready to take the necessary steps to do so. But today's meeting was focused, as the Chairman said, primarily on Gorazde.

With respect to the other question you asked, as the Chairman's statement indicated, there was an indication on the part of all the participants that the UNPROFOR troops were necessary, would be resupplied, given additional supplies, additional arms if necessary. If that becomes necessary, that can be considered. But there is no commitment on behalf of the United States, at the present time, for the use of helicopters; and I might say there is also no commitment by the United States with respect to ground troops. Our long-standing position on that remains intact.

QUESTION. I am sorry. You said that there would be no more pinprick attacks and there have been statements here about substantial attacks, I would like to ask Secretary Perry and General Shalikashvili, would these attacks go far beyond Gorazde? In other words do you intend as you said on the airplane to wipe out the Serbs' air defense system and give you freedom in the air over Bosnia and to attack perhaps fuel dumps, ammunition depots and other areas to teach them a lesson?

Secretary PERRY. I don't want to describe the details of the air campaign which we discussed in some detail with our colleagues. But what I will say is that, first of all, it is a phased plan ranging everywhere from close air support for a particular tactical unit on the ground that is being attacked, to a broader regional air campaign; that this would be agreed to in detail, to be drawn out in detail and agreed to between the air commander and the ground commander. In its latter phases it involves an area considerably broader than Gorazde. Would General Shalikashvili perhaps like to add to that?

General SHALIKASHVILI. I think that you are right, that it is important to understood that these are not just responses against the initial provocation but an air campaign that consists of a wide range of targets throughout a broad zone of operations. That is a significant departure from the way air power was used before.

QUESTION. And was it agreed that, if hostages were held, that such a campaign would not be stopped by that?

Secretary PERRY. That was an issue that was discussed fully and completely at the meeting. We all understood that the success of a sustained air campaign depended on its being sustained and therefore it could not be deterred and interrupted by hostage taking if that were to occur. We cannot let a policy be hostage to the taking of hostages.

QUESTION. Do you understand the meeting to have declined to approve, at this point, the use of air power in the case where some other action is taken other than an attack on Gorazde? Will there have to be another meeting if some other action is taken by the Bosnian Serbs in violation of UN mandates?

Secretary CHRISTOPHER. David, let me say two things about that. First, the meeting didn't decline to do anything. The meeting was positive in character. Second, there are existing authorities, as you know, for the use of air power in particular circumstances. If additional authority was necessary because the Bosnian Serbs took some other action, we stand ready to do that; but there are broad existing authorities under the UN Security Council at the present time that are available to the NATO authorities. We focused on Gorazde and, as both the Secretary and the General have said, we made fairly specific and detailed plans for an air campaign should it become necessary in Gorazde. I think those procedures could be translated into other areas if that becomes necessary.

QUESTION. Bihac is under attack now, sir, and I wonder why that hasn't been responded to?

Secretary CHRISTOPHER. The situation in Bihac is as it has been before, not always entirely clear as to who's doing the attacking and what the circumstances are. We will be watching that very carefully. I think that today's meeting indicates a new level of concern about the situation in Bosnia as a whole. We addressed what we thought was the principal current threat; we will certainly be following Bihac. As I said in my statement, we are very concerned about the escalating attacks there, and we are following it with great care.

QUESTION. What is the new message to the Serbs?

Secretary CHRISTOPHER. The new message to the Serbs is that if you attack—First, the message to the Serbs is you should not attack Gorazde. We are issuing a very strong, stern warning to them which will be communicated in ways in addition to this particular press conference or Foreign Secretary Rifkind's press conference. But beyond that we are saying that if you do attack, you are going to pay an extremely heavy price.

QUESTION. What price?

Secretary CHRISTOPHER. I think that we will leave that to their consideration and imagination.

QUESTION. Do you think they are quaking in their boots, as somebody else put it earlier at another press conference?

Secretary CHRISTOPHER. If they are well advised, they will not attack Gorazde because they will pay a very heavy price.

QUESTION. I have just been to the press conference by Mr. Kozyrev and the greatest expert on air strikes in the world at the moment, on civilian air strikes, namely General Grachev. They said that they don't agree with any of this and that they haven't been quoted properly, and they attack Mr. Rifkind for not quoting them. Do the Russians have the veto or not?

Secretary CHRISTOPHER. The Russians do not have a veto. There is no further action by the United Nations Security Council required for us to take the action that we are going to take today. We are prepared to go forward with the action if necessary. I must say that I did not hear the press conference, but Foreign Minister Kozyrev and the General were present in the meeting. They joined us I think in the importance of UNPROFOR staying. They joined us in the significance of the Bosnian Serbs not taking further action—that they should not threaten Gorazde. I think that they realize UNPROFOR is at stake. If Gorazde were to be taken, as the Foreign Secretary said, UNPROFOR's mission in Bosnia would be very seriously compromised.

But to answer your question directly, the action that we've taken today and the agreements that we've reached are not dependent upon Russian concurrence or any Russian vote.

QUESTION. You said earlier that how the countries with troops on the ground would respond if hostages were taken was fully discussed in the meeting. Do I understand you to mean that you understand clearly that these countries would not request interruption of bombings if this were to take place?

Secretary CHRISTOPHER. I can't forecast what any given country would do under some hypothetical situation. But the agreement of the importance of introducing a sustained air campaign was made with the understanding that it had to be sustained even in the face of hostage-taking. This was explicitly discussed and discussed in some detail.

QUESTION. Secretary Perry, again on your hostage remarks. Does that mean that the allies have to be prepared for the possibility of losing their personnel to a NATO air strike? Did the allies explicitly agree to that?

Secretary PERRY. Could you re-formulate the question? I did not understand the point.

QUESTION. Your comment on the necessity of sustaining an air campaign, even if hostages are taken: Could we interpret that to mean that the allies must be prepared for the possible loss of their hostages in the event air strikes are authorized? Was it discussed in such explicit detail, and did you get agreement on that point?

Secretary PERRY. First of all, we are not proposing to conduct an air campaign. We are proposing to threaten an air campaign to stop, to deter any action that the Bosnian Serbs might take to attack Gorazde. We hope that will be successful.

If it is not successful, we are prepared to conduct a sustained air campaign. We understand—everybody at the meeting understands—there would be substantial risks in doing that. The risks would be to the air crews conducting the campaign, the risk would involve UN forces on the ground, the risk would be even to civilians who are in the area of the targets. Those are inherent risks in air campaigns. We all agreed that that was an unattractive option, and the only reason we are going to proceed with that option is because the alternatives seem even more unattractive to us. The alternative of letting Gorazde fall, which would drive the UNPROFOR out of Bosnia, would result in a humanitarian catastrophe of great proportions. Therefore, balancing risks, we believe that these risks were far preferable to allowing Gorazde to fall.

Secretary CHRISTOPHER. Could I add to Secretary Perry's statement that we are urging the United Nations and we have urged the United Nations already to minimize the exposure of its personnel to limit the possibilities of hostage-taking if it comes to that.

QUESTION. Yes, I would like to ask you if the results of this meeting and met your hopes and expectations before the meeting and do you think they will be sufficient to restore the credibility of the United Nations mission in Bosnia?

Secretary CHRISTOPHER. Yes, I found the meeting to be a successful meeting. It met my hopes and expectations, especially since it was called on short notice and there was the need to try to coalesce the views of many countries in a very short period of time. I

think our working together with the British and French in advance to the meeting, of contacting other countries in advance paved the way for a successful meeting. And incidentally, at the meeting today Foreign Minister Kozyrev also described it as a successful meeting. If the Serbs are wise, the situation in Bosnia will become stabilized and will provide the opportunity for us to try to seek a peaceful negotiated settlement of the matter. In a sense, the matter is in their hands. If they choose to attack Gorazde, as I said, they will suffer very gravely. But it would be a much wiser course for them to withhold those attacks and enter into a peaceful negotiation which is the only ultimate conclusion to this tragic conflict.

QUESTION. Has it been decided to invite Canada and Italy to join the contact group, both in recognition of their major contributions to peacekeeping and peace enforcement in Bosnia and also to put the contribution of one of the current five, post-Chechnya Russia in more proportionate perspective? And second, given the outspoken support of the World Jewish Congress for Bosnia's Muslims, will you seek technical assistance from the Israelis for an Entebbe-like operation to rescue Karadzic and his mates before they commit further war crimes?

Secretary CHRISTOPHER. One thing about it when you get two questions, you can choose which one to answer. With respect to Italy and Canada, there was no discussion about the Contact Group today, but the point I would emphasize here is that both Italy and Canada were very well and openly represented today by the Foreign Minister, the Defense Minister and the chief of their military forces. They participated very actively in the discussions today. They were deeply involved and they will be certainly fully consulted as we move through each one of these further procedures.

QUESTION: I'd like to ask about the dual key. Secretary Rifkind was saying that he could not conceive of a situation in which General Rupert Smith didn't have a final decision on whether air strikes would be launched. Can you tell us how far up the UN chain of command approval would have to come and who talks to whom in order to approve an air strike?

Secretary PERRY. We discussed that in considerable detail today, and we had at the meeting all of the relevant people. I'd like to refer specifically to General Shalikashvili to give you a more detailed answer to that. I am satisfied that we've made substantial changes much for the better in how that coordination is done. John?

General SHALIKASHVILI. The procedures we did discuss, as Secretary Perry said, are a very qualitative step forward, and they parallel proper air-ground operations procedures. In such procedures, the appropriate ground commander, General Rupert Smith, and the air commander must continually coordinate to insure that air strikes are carried out safely, but at the same time also very promptly.

These procedures that we now have represent the second part of your question: how far up does this coordination go in the UNPROFOR chain. The UNPROFOR chain that is involved in these coordinations stops with the military commanders.

Thank you very much.

Mr. WARNER. Mr. President, the New York Times article clearly says that NATO officials said early this morning that they had agreed that no large-scale bombing could start unless the United Nations ''civilian officials'' gave the go ahead. Emphasis ''civilian officials.''

Now I read from a press conference last Friday, July 22, of Secretary of State Christopher, Secretary of Defense Perry, and Chairman of the Joint Chiefs of Staff General Shalikashvili. Referring to the last page:

QUESTION: I'd like to ask about the dual key. Secretary Rifkind was saying that he could not conceive of a situation in which General Rupert Smith . . .

That is the on-scene commander for the UNPROFOR and U.N. troops—

didn't have a final decision on whether airstrikes would be launched. Can you tell us how far up the UN chain of command approval would have to come and who talks to whom in order to approve an air strike?

General Shalikashvili replied:

The procedures we did discuss, as Secretary Perry said, are a very qualitative step forward, and they parallel proper air-ground operations procedures. In such procedures, the appropriate ground commander, General Rupert SMITH, and the air commander must continually coordinate to insure that air strikes are carried out safely, but at the same time also very promptly.

These procedures that we now have represent the second part of your question: How far up does this coordination go in the UNPROFOR chain. The UNPROFOR chain that is involved in these coordinations stops with the military commanders.

Let me repeat that.

The UNPROFOR chain that is involved in these coordinations stops with the military commanders.

To me, Mr. President, I clearly get the impression that the on-scene military commanders, Gen. Rupert Smith and NATO Commander Admiral Smith, are the decisionmakers. That is in direct conflict with what is reported today.

The Senate of the United States is trying to work its way through this complex issue. To a certain degree many, including this Senator, want to rely on the representations of the three principal security officials of the United States, Secretaries of State, Defense, and the Chairman of the Joint Chiefs. But their representation to the world in this press briefing to the U.S. Senate on July 22 is in direct conflict with the reports that we received today.

So I come back again and again. It is now the time, and the obligation of this body politic to make a decision.

Mr. LIEBERMAN. Mr. President, the Senator from Virginia is absolutely right.

Again, I say to my colleagues, to quote the Scriptures, ''If the sound of the trumpet be uncertain, who will follow in the battle?''

The sound of the trumpet that was sounded in London on Friday is extremely uncertain, and there is no reason to use that communique as an excuse for not voting to lift the arms embargo.

I thank the Chair. I yield the floor.

Mr. ASHCROFT. Mr. President, the situation in Bosnia continues to worsen. Every day brings additional news of Bosnian-Serb troop movement, resulting in more chaos, devastation and reports of horrendous atrocities. As one so-called safe zone after another is overrun, and with refugees streaming out of them, it is obvious to most that the Bosnian policy constructed by the United Nations, NATO and the American administration has failed.

If the consequences of the U.N. failure were not so grave, many of the scenes we all have witnessed would have to be considered almost farcical. United Nations armored personnel carriers being used to ferry bicyclists across streets in order to avoid a handful of snipers who operate with near impunity—shooting not only at the U.N. personnel—but at women, children, elderly folks. It's an outrage. Then we witness the spectacle of United Nations equipment being taken by the Bosnian-Serbs as they overrun United Nations positions, and also by the Bosnian Moslems in desperate attempts to protect themselves against Serbian attacks.

We have all witnessed these events, Mr. President—and those who continue to argue that negotiators require just a little more time need to face up to the reality of the situation. There is a deep-seated American belief that reasonable individuals—with time and effort—can solve even the most intractable of problems. Well, perhaps too many of our well intentioned negotiators labored for too long under the false impression that we were dealing with reasonable individuals in Pale and in Belgrade. The cycle of retaliatory violence confirms the fact that there is nothing remotely reasonable about the Bosnian-Serb leaders or their counterparts in Belgrade.

Institutions that tried to prevent further escalation have failed to do so—plain and simple. This being the case, it is now time to pursue an alternate course of action that will not embroil United States ground forces in a conflict that the Bosnian Moslems can best settle on their own. The Serbs control 70 percent of Bosnian territory and will continue to advance unless the Bosnian Moslems affect a reversal of the balance of power through force of arms.

While the unilateral lifting of the arms embargo may have some shortcomings of its own, and could be a costly endeavor, we should no longer actively prevent the Bosnian Moslems from defending themselves by trying to keep them unarmed.

However, we should not assume that this decision will not have consequences. For example, depending on the sources of the weapons, we could be sowing seeds of future difficulties. If the Bosnian Government decides to access East European weapons inventories for instance, we do not know exactly how the Russians will react.

Apart from sending weapons directly to the Serbs, the Russians might also decide to stem the flow of weapons to the Bosnians by applying certain forms of pressure on the East Europeans.

Somehow, I have a difficult time imagining that Russia will just sit idly by as events unfold which are clearly detrimental to their Balkan allies. It is also not exactly clear what might happen in the event that the United States become a prime source of equipment, and gets involved in the training of Bosnian personnel.

Mr. President, my decision to support this resolution is not without some concern about the unintended consequences of lifting the embargo. However, I do not see that we have much choice.

For several years, the administration has been sending a stream of let's-wait-and-see signals regarding action on Bosnia. The President asked the majority leader to hold off on S. 21 until after the London conference. Well, the London conference is over and the situation continues to spin out of control. It should be abundantly clear to all that sooner or later, all of the safe-areas are threatened by the Bosnian-Serbs. We even have one of the top Bosnian-Serb commanders in a recent interview with a Belgrade newspaper stating his intention to take the remaining safe-areas within a few months. Coincidentally, this same Bosnian-Serb commander—who oversaw the trampling of Srebrenica—was indicted yesterday by a U.N. Criminal Tribunal for perpetrating war crimes.

This time, the waiting is over, for if the embargo is not lifted soon, there may be no Bosnian Moslems left to arm. Ronald Reagan once said that ''America will support with moral and material assistance your right not just to fight and die for freedom, but to fight and win.'' By supporting this resolution today, the Senate will telegraph its support for those who seek to make it on their own. I urge my colleagues to support the Dole resolution.

Mr. MCCONNELL. Mr. President, I rise in strong support of the resolution offered by Senators DOLE and LIEBERMAN.

For months, the situation in Bosnia has deteriorated from bad to worse, as have our policy options. Disappointment has given way to disaster—no matter how deep our common concern, it pales in the face of the horror and chaos of Srebrenica.

As we witness this unfolding tragedy, it is important to keep in mind that it is more than the future of Bosnia that is at stake—American credibility and international influence are on the line. Tomorrow's adversaries are carefully watching Bosnia today. They are measuring the weight of American words—evaluating the strength of our resolve—assessing our leadership, credibility and determination.

And, there is little doubt over the conclusion any casual observer would reach—our Bosnian policy is scarred by retreat and reversal—and repetition of the same mistakes.

Once again, as the Senate takes up legislation to lift the embargo there is a last minute appeal from the White House that the timing is all wrong. We are urged to give yet another policy alternative time to work.

But this alternative, like the last alternative, and the options before that are building on the failure of UNPROFOR.

Last week, Assistant Secretary of State Holbrooke commented ''To whatever extent Americans are involved in the air or in any other way in Bosnia, we will not be limited or constrained by the insane dual key system with the U.N. and NATO * * *. We are not going to ask the United Nations' permission for Americans to do anything in Bosnia.''

I was encouraged by this refreshingly frank assessment of what has compromised UNPROFOR's mission and shattered all hope for a resolution to the crisis. You do not usually hear senior officials call years of policy ''insane.'' It is a rare event for anyone in this administration to forcefully assert unilateral American rights and interests.

Unfortunately, no one in London listened.

United Nations officials will still be involved in decisions about when and where to conduct air strikes and use force. Although Secretary Perry and Secretary Christopher have offered public assurances that this time, this decision is different, U.N. officials are already undermining those claims and maintaining that all final decisions on the use of force will continue to involve the United Nations.

Bosnia policy is in mayhem—the effect of the meetings in London merely modified the mayhem. Once again, we failed to deal with the real problem—Serb aggression. As Prime Minister Silajdzic said, ''Another half measure . . . another fig leaf.''

Marginally modifying the chain of command as agreed in London cannot erase or correct the United Nations and UNPROFOR's failed course. And, this is a well travelled course.

Just a few short weeks ago, President Chirac visited the U.S. pleading for American support for the Rapid Reaction Force. He assured us that it would be an aggressive, combat ready unit prepared to intercede—to make a real difference. Field commanders would make the decisions, not U.N. bureaucrats hundreds of miles removed from the conflict.

Chirac talked of opening a road to Sarajevo, of vigorously defending all the safe havens; and, he was adamant that peacekeepers would no longer be the sorry victims of Serb hostage taking.

Sadly, within days, it became clear the U.N. had other ideas. Special Envoy Akashi immediately issued an apologetic letter, assuring the Serb military that the Rapid Reaction Force would only augment the existing UNPROFOR units. There would be no change in mission, no change in operational activities, no change in command. In soothing platitudes, Akashi directly undermined the RRF's credibility and undercut whatever opportunity they might have had to demonstrate success.

Worse yet, no one from the administration challenged Akashi's interpretation.

Now, we are being promised a robust air campaign, but one that will only protect Gorazde. Once again we have abandoned a principle we asserted a few short months ago. Once again, we drew a line in the sand, or, more appropriately, we drew a line around six safe havens. And now, once again, we are deserting the Bosnians in five of the six safe havens.

How long before we are forced by circumstance to redefine, retreat, repackage the next alternative?

It is long past time to recognize that United Nations Protection Force has become an expensive oxymoron—it is neither a force to be dealt with nor does it offer any protection. In fact, some have grimly joked the only thing the U.N. has successfully occupied is office space.

Any doubt—any false hope—about their capability to protect civilians was obliterated in the savaging of Srebrenica.

The mission has failed and it is time—it is past time—for UNPROFOR to leave, for the embargo to be lifted, and for the Bosnians to be given the chance to defend themselves.

It is their right and our duty.

In 1775, a young Patrick Henry stood up and talked of indulging in the illusions of hope, served by entreaty and supplication.

In calling our Nation to arms, he said,

> We have done everything we could to avert the storm which is now coming on. . . . Our petitions have been slighted; our remonstrances have produced additional violence and insult; our supplications have been disregarded; and we have been spurned. . . . In vain, may we indulge the fond hope of peace and reconciliation. There is no longer any room for hope. If we wish to be free . . . we must fight.

The United Nations role in Bosnia is replete with petitions, supplications, and remonstrances—all in vain.

Are we to deny the Bosnian Moslems the very right to self determination that defines the conscience of this Nation? Are we to refuse them freedom—repudiate their desire to secure liberty?

We have paid a high price for failure in Bosnia—over $2 billion in taxpayers' dollars have supported UNPROFOR. What we have paid in treasure, Bosnians have paid in lives and liberty.

Lifting the embargo will not guarantee Bosnians their freedom, but the United States will no longer hold the key to their shackles—the ball and chain that UNPROFOR has become.

Mr. CAMPBELL. Mr. President, I rise today in support of the majority leader's resolution to lift the arms embargo. I do not make this decision lightly, and I have no illusions that our vote today will do anything to stop this

conflict. In fact, we can be sure that lifting the arms embargo will intensify the fighting and lead to more pain and suffering. I do not see what other choice we have, though. The U.N. peacekeeping force has failed to defend the misnamed ''safe havens'' or to protect Bosnians from Serb aggression, and the most honorable thing we can do is allow the Bosnians to defend themselves.

I will be the first to admit, Mr. President, that I did not expect Bosnia to become such a difficult and divisive issue for our country. When communism collapsed and the walls fell in 1989, I was as excited as anyone over the end of the cold war and the prospect of a world finally at peace. I expected that old ethnic and national tensions would flare up, but I figured that European and U.N. diplomacy and a few peacekeepers could handle the job, with limited U.S. involvement. The United States had just won a 40-year-long cold war, and we deserved to rest on our laurels. So when this conflict first started in 1991 after Slovenia and Croatia declared independence from Yugoslavia, like most Americans, I barely took notice of it. I supported the creation of the U.N. Protection Force [UNPROFOR] in February 1992, and I did not argue with UNPROFOR's extension to Bosnia in June 1992, putting my faith in efforts to cobble together a political settlement.

But this wound refuses to heal. Instead it festers, fed by historical conflicts and prejudices reaching back 500 years. I worry that this gangrenous conflict threatens to contaminate all of Europe.

As this conflict continued to worsen and Bosnians continued to suffer, I still held out hope for reason to prevail over aggression and imperialism. Last July, I voted against this very same resolution to lift the arms embargo. I wanted to give the administration more time to pursue a multilateral agreement on the arms embargo, and negotiators more time to find an agreement the Serbs would accept.

In the past year, the situation only got worse. This civil war cost the lives of several U.N. peacekeepers, and almost killed a brave American pilot. The Serbs continue to press their attacks, to ethnically cleanse by driving Bosnians out of their homes, and to kill civilians by shelling Bosnian safe areas. The only honorable thing to do is to admit that without unrestrained military commitments, U.N. peacekeepers cannot stop the Serbs, and let the Bosnians begin to fight Serbs on equal terms.

Regardless of the final wording of this legislation, I hope we all accept our commitment to helping U.N. peacekeepers withdraw from Bosnia, if necessary, with the massive involvement of United States ground troops. Senator DOLE set forth a set of reasonable guidelines on the use of U.S. forces in a withdrawal, designed to reduce risks, which I support. But despite the risks, it is our responsibility as a member of NATO to help our allies save their people stuck in Bosnia.

Mr. President, this is not a political or partisan issue for me. I think our Defense Secretary, Secretary Perry, called this legislation the ''lift-and-pray'' option, and that is as good a description as any. This difficult situation has no easy solutions, and highlights our own difficulties in coming to grips with the realities of a post-cold-war world. It seems like the new world order looks a lot like old world disorder. As much as anybody, I want peace in Bosnia—but not a peace bought with the wholesale slaughter of Bosnians by Serbs.

It is time to admit that we do not have the answers here, and to do the only honorable thing—let the Bosnians get weapons they need to fight for their homes and their lives.

Mr. BAUCUS. Mr. President, I rise in support of this resolution to lift the arms embargo on Bosnia.

For several years, the United States and the United Nations have relied on a system of safe havens. These were protected towns: Gorazde, Srebrenica, and Zepa in eastern Bosnia; Sarajevo, the capital; and Bihac in the west. U.N. peacekeepers were to provide security for the people in these towns, while an overall arms embargo covered all participants in the war.

FAILURE OF PRESENT POLICY

Where do we now stand today?

The Bosnian Serbs have ignored repeated efforts on the part of Americans, Europeans, and Russians to achieve peace. Instead, they have attacked all the safe havens.

Srebrenica has been captured, and its women and children expelled. Nobody knows what has become of the men of the town. The Western countries had given all these people a guarantee of safety.

Zepa fell yesterday.

Bihac is under attack.

Sarajevo is being bombed as heavily as ever.

And the U.N. peacekeepers have been shot at, shelled, and taken hostage.

Clearly, this policy has failed. The U.N. force has proven unable to prevent Bosnian Serb offensives, to protect civilians, or even to protect its own members. The time has come to admit it and move to something new.

THREE CHOICES

No choice is a good one. But I believe we have essentially three options, and one is superior.

First and foremost, we should not become involved as a combatant in the war. That would confront the American armed services with an impossible task—to impose a permanent political settlement. We would be likely to lose many men and women; we would certainly lose some; and ultimately it would be futile.

Second, the strategy some propose of American air attacks against Bosnian Serb positions, is irredeemably flawed. It does not command the full support of our allies, and in any case history shows that air attacks without a coordinated ground campaign do not succeed.

The only remaining choice is the third: to lift the arms embargo and let the Bosnian Government fight in defense of its country. This may not solve the problems of the former Yugoslavia—and I do not believe an outside power can solve those problems—but it has the virtue of justice.

A country attacked by an outside aggressor, or by a rebellion against a legitimate government, has the right to defend itself as best it can. And its people, who have seen the West break its promise to keep them safe, should at least be able to fight for themselves.

That is why I support this resolution. And I urge my colleagues to do the same.

Mr. DORGAN. Mr. President, for many months I have resisted legislative initiatives to unilaterally lift the arms embargo against the Bosnian Government. But today I intend to vote differently.

I have felt that our country should not depart from the joint 1991 decision made with our NATO allies through the United Nations in enforcing an international arms embargo against what was then Yugoslavia. The international community took this action to prevent the fighting from escalating after Slovenia and Croatia withdrew from the Yugoslav federation.

As we all know, the fighting has escalated nevertheless. The U.N. and NATO have ever since struggled to balance the safety of Bosnia civilians with the desire to prevent the war from spiralling or spreading.

But events have taken a dramatic and tragic turn in recent weeks. That is why I now intend to vote for the Dole-Lieberman bill to lift the arms embargo after the United Nations protection forces have left.

I recognize that United Nations forces have helped to reduce civilian casualties to a fraction of their prior levels. These forces have also carried out humanitarian operations that have saved thousands of lives.

However, it is now evident that the U.N. peacekeeping forces cannot be expected to keep the peace where there is no peace. The U.N. forces, I believe, were sent to the region to try to provide safe havens to protect civilians, to open routes to supply food, medicine and essential supplies to the Bosnian people, and to try to keep the peace.

But it is now clear that the Bosnian Serbs are advancing in areas that the Bosnian Moslems thought were safe. The Bosnian Serbs have marched into Srebrenica, a city that the United Nations had guaranteed as a safe haven for civilians. Today we here the further news that another so-called safe haven—Zepa—has fallen before the Bosnian Serbs' advance.

Again, Bosnian civilians have been left unprotected because the U.N. forces are not deployed for or capable

of resisting the Serbs' aggression. The fate of Srebrenica and the fall of Zepa make a mockery of the United Nations humanitarian mission.

We can now see that the embargo has had the practical effect of leaving the Bosnian Moslems virtually defenseless in the face of Serbian aggression.

I have not supported and do not support sending American ground troops to Bosnia to take sides in this conflict. I do not expect that we or our allies are prepared to send troops to the region in sufficient numbers to put an end to the war.

If that is the case—and I believe it is—then I think we must end the arms embargo against the Bosnian Moslems, so that they can defend themselves.

It is a departure for me to support ending an arms embargo anywhere, because I believe we ought to promote policies that slow the spread of arms around the world.

However, I cannot stand by and watch the atrocities that are occurring in Bosnia without believing that it is somehow immoral for us to deny the Bosnian Moslems the ability to defend themselves, their families and their territory. An independent nation has the right of self-defense under article 51 of the U.N. Charter. That is why lifting this embargo is not analogous to lifting the arms ban against Iraq or against any other aggressor.

Let me also point out that the Dole-Lieberman bill we are debating is a new version. It now says that United Nations Protection Forces should first leave Bosnia before the embargo is lifted. This will help to prevent the U.N. forces from getting caught in an escalating crossfire. As an additional insurance against that possibility, the United States must be prepared to honor the President's commitment to our NATO allies to send United States forces to assist in evacuating NATO forces from Bosnia.

Even as we take these steps, I support a renewed effort on the part of the United States to seek NATO's support for a multilateral lifting of the arms embargo against Bosnia. That would be a preferable approach. But in the final analysis, the United States must help the Bosnian Moslems get the arms to defend themselves.

For these reasons, I intend to vote for the Dole-Lieberman bill. I pray that in some way a new set of policies might force the Bosnian Serbs to negotiate a real truce and move that region closer to a permanent end to its conflict.

Mr. LEAHY. Mr. President, yesterday I spoke at length about the situation in Bosnia. I spoke about the damage this debacle has caused to NATO, which has acted like a frightened child in the face of genocide on its borders. I said that the status quo is totally unacceptable. I also said that I believe our first responsibility is to NATO, and that NATO should be given an opportunity to redeem itself and act forcefully to protect the remaining safe havens in Bosnia.

I was encouraged by the statements of the NATO leaders after last Friday's meeting in London, when they said that NATO would respond with substantial and decisive air strikes if the Serbs attack Goradze. Then Secretary Perry and Secretary Christopher suggested that there would be a similar response to attacks against the other remaining safe havens, which I support. They also indicated that the dual-key approach, that has been such a disaster, would end. In the future, NATO commanders would decide when to strike, not U.N. bureaucrats. These assurances were major factors in my decision yesterday to oppose unilaterally lifting the embargo.

Yesterday, I said I expected to see NATO display the kind of unity and power that it should have displayed from the very beginning of this conflict. I feared that by unilaterally lifting the arms embargo, we would be undercutting our NATO allies and saying that we do not support a forceful NATO response. I believe such a decision could lead to wider war, greater suffering, and potentially endanger thousands of Americans. I believe that decisive NATO air strikes could not only turn the tide in favor of the Bosnian Moslems, it could also demonstrate the continued viability and strength of the NATO alliance.

I was therefore very concerned by the article in today's New York Times, titled ''NATO Gives UN Officials Veto on Air Strikes in Bosnia.'' That article suggests that the fatally flawed status quo regarding the dual-key policy has not changed.

Mr. President, if that article were accurate I would have had no choice but to reconsider my position on this issue. As I said yesterday, I cannot support the status quo. I needed to be convinced that the failed dual-key policy was no longer in effect, and that NATO is now fully authorized to use decisive force to deter further Serb atrocities.

Because of the questions raised by that article, I prepared to telephone U.N. Secretary General Boutros Boutros-Ghali earlier today. I wanted his assurance that future decisions about the use of NATO air power would be made by military commanders, not U.N. bureaucrats. Shortly before I was to make that call, I was informed by our mission to the United Nations in New York that the Secretary General had issued a statement which eliminated any ambiguity about dual-key. His statement goes even further, to address the issue of NATO action to protect Bihac and Sarajevo, as well as Goradze.

It is for that reason that I ask unanimous consent that the statement by U.N. Secretary General Boutros Boutros-Ghali be printed in the RECORD. His statement makes clear that the status quo is no longer in effect. Dual-key is over. A rapid, decisive response is now NATO policy.

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

PRESS STATEMENT

(Attributable to a Spokesman for the Secretary-General)

The Secretary-General and his advisers have concluded their study of the letter from NATO Secretary-General Willy Claes about the North Atlantic Council's decisions last night relating to the use of NATO air power to deter Bosnian Serb attacks on Gorazde.

As indicated in my earlier statement today, the Secretary-General welcomes the commitment of the North Atlantic Alliance to support the United Nations in the implementation of Security Council resolutions, and looks forward to working with NATO toward that end. He fully supports the decision taken by the North Atlantic Council, as conveyed in Secretary-General Claes' letter, and agrees with its conclusion that an attack by the Bosnian Serbs on Gorazde should be met by a firm and decisive response, including through air strikes.

On the question of the ''dual key'', the relevant Security Council resolutions call for close co-ordination between the United Nations and NATO on the use of NATO air power and this is reflected in the NATO decision. In order to streamline decision taking within the United Nations chain of command when the use of air power is deemed to be necessary, the Secretary-General has decided to delegate the necessary authority in this respect to his military commanders in the field. He has accordingly delegated authority in respect of air strikes, which he has hitherto retained himself, to General Bernard Janvier, the Commander of United Nations Peace Forces, with immediate effect. As regards close air support, which is the use of air power to defend United Nations personnel, the Secretary-General's Special Representative, Mr. Yasushi Akashi, after consulting the Secretary-General, has today delegated the necessary authority to General Janvier, who is authorized to delegate it further to the UNPROFOR Force Commander when operational circumstances so require.

The Secretary-General is deeply concerned by current attacks on Sarajevo and on the Bihac pocket and notes that the North Atlantic Council has asked the NATO Military Authorities, in consultation with the United Nations Peace Forces, to formulate proposals on the possible use of air power in these situations also.

The Secretary-General is informing the Security Council of the measures that he is taking. He again expresses his appreciation for the continuing close co-operation which he enjoys with the Secretary-General of NATO. In furtherance of co-operation between the United Nations and NATO, he has today instructed the Under-Secretary-General for Peacekeeping Operations, Mr. Kofi Annan, and the Force Commander, Gen. Janvier, to travel to Brussels for consultations with NATO on the operational modalities for implementing last night's decision of the North Atlantic Council.

Ms. MIKULSKI. Mr. President, the moral and practical consequences of our actions in Bosnia are on a collision course.

Every moral instinct I have tells me to lift the arms embargo of Bosnia. I share the anger, frustration and pain that inspired this amendment.

We must finally recognize that the U.N. peacekeeping mission has failed. They cannot keep the peace in a land where there is no peace. Despite their bravery, despite their good intentions

—they are not able to protect Bosnian civilians—they are not even able to protect themselves.

As a Polish-American, I see what is happening in Bosnia, and I think of what happened to Poland in the Second World War. Polish patriots on horseback, armed only with swords, faced German tanks and German howitzers. The world watched but did nothing.

And as Hitler exterminated the Jews, most of the world stood by. This passivity amounted to acquiescence.

We are showing the acquiescence today with our meaningless U.N. resolutions and our empty threats.

What is the result of our failure?

It is mothers and children running for their lives from so called safe havens.

It is the young woman who took her own life after being forced from her home and separated from her family.

It is the food and medicine convoys prevented from getting to those in need.

It is the Serb gunfire that is continually targeted toward civilians.

And it is the rape and torture that has been going on for 3 years. This barbarism is a crime against humanity.

It is very painful to be reminded of the inhumanity that man is capable of. It is a shame on all of us.

What history does not teach us, our principles should. And there is no more fundamental principle than the right to self-defense. We never should have imposed an arms embargo on Bosnia.

So my heart tells me to lift the embargo. I want the Serbs to pay for their barbarism. If we cannot or will not defend the Bosnian people—let us stop pretending—let us lift the embargo, let us let them defend themselves.

But, Mr. President, I cannot vote to take this course unless I also consider the consequences that we and the Bosnian people will face down the road.

What happens after we lift the embargo? Most people think that the Bosnian people will then be able to defend themselves—and that Americans would stay out of the war.

But both of these points are wrong.

Just allowing the Bosnians to arm will not make it happen. According to our military leaders, it will take months to sufficiently arm and train the Bosnian army. In the meantime, the Bosnian people will be defenseless.

The Serbs will not wait. The moment we lift the embargo, the Serbs will make a land grab—not just into the eastern enclaves, but also into central Bosnia. Their brutality could spread across all of Bosnia. So by lifting the embargo, we could make things a great deal worse for the people we so want to help.

In addition, lifting the arms embargo will guarantee that United States troops will be on the ground in Bosnia. They would be in rough terrain, surrounded by hostile forces. Not defending the Bosnian people—but defending the U.N. peacekeepers as they make their retreat. There could be American casualties and there could be American POW's. And we will have done nothing to protect the Bosnian people.

While most people in this body support lifting the embargo—how many support sending U.S. troops? And how many of us are willing to take responsibility for the carnage that could occur if we lift the embargo and leave the unarmed Bosnians to fend for themselves? We need to consider the moral consequences of our action.

In any military action abroad, I believe that must always have clear criteria and objectives that answer three important questions:

Why are we there?

What keeps us there?

And what gets us out?

Without answers to these questions, we cannot send U.S. troops into battle. And we have no such answers in Bosnia.

I am not saying that we should stick with the status quo. That has brought the Bosnians nothing but misery.

I had hoped that in the London meetings last weekend that the allies would reach consensus on clear, decisive and immediate action. We did not go as far as we should have. We did not end, once and for all, the dual key policy that puts U.N. bureaucrats in control of military decisions.

But NATO policy does seem to be shifting. We are at least preparing for more robust and meaningful retaliation for Serb aggression and for substantial and decisive use of NATO air power. I believe that we must give this new policy a chance to succeed.

So I will oppose the Dole resolution.

This is a heart-wrenching decision for me. As I have said, every instinct I have tells me to lift the embargo. But I believe that we should not go it alone unless we are willing to act alone—unless we are willing to send in our troops to save Bosnia from the carnage that could occur. We must look at the moral and practical consequences of our action.

Mr. KENNEDY. Mr. President, we all agree that the crisis in Bosnia is a massive human tragedy. But I oppose this legislation calling for a unilateral lifting of the arms embargo, and I do so for five reasons.

First, lifting the embargo may theoretically give the Bosnian Moslems a more effective means to defend themselves. But in fact, lifting the embargo is far more likely to put them in an even worse position—unless the United States and other nations are able and willing to provide extensive amounts of arms and military training over a lengthy period of time, and unless these nations are also prepared to take whatever military action is necessary—including the use of ground troops—to keep the Bosnian Serbs from over-running the Moslems during that period.

Second, if the U.N. forces withdraw, as seems inevitable when the arms embargo is lifted, the plight of innocent civilians will get much worse as the bloodshed escalates and the vital U.N. humanitarian lifeline is severed. In 1992, before the U.N. peacekeepers arrived, there were 130,000 civilian casualties. Last year, there were fewer than three thousand.

In addition, over 1.3 million refugees and much of the civilian population of Sarajevo and central Bosnia—a total of 2.7 million people—are dependent upon the relief work of the United Nations. The U.N. may not have kept the peace as well as we had hoped, but it has saved hundreds of thousands of Bosnian lives. This lifesaving capability—and the maintenance of vital humanitarian supply lines—will all be lost if we unilaterally lift the arms embargo and force the United Nations out of Bosnia. Without the U.N.'s humanitarian efforts, we will see more starvation, more loss of life and a new flood of refugees. The almost $500 million in food, medicine, shelter, and other relief supplies which U.N. agencies plan to deliver this year could well be denied to the innocent people of Bosnia.

Third, the wider war that is the most likely result if this legislation is enacted is in no one's interest and could have catastrophic consequences. The last thing the people of Europe and America need is a wider war in the Balkans.

Fourth, if the embargo is to be lifted, it should be done in cooperation with our allies, not unilaterally. Unilateral action by the United States will seriously undermine both the United Nations and NATO and will serve as a dangerous precedent for other nations to ignore other international mandates.

Fifth, this legislation would make a negotiated solution even more difficult than it is now. Yet a negotiated solution is the only realistic hope for ending this tragic war instead of expanding it.

There are no good answers on Bosnia. But the answer proposed in this legislation is worse than the alternative of working closely with our allies, as President Clinton is doing. He deserves the bipartisan support of Congress at this very important and very difficult time.

Mr. CONRAD, Mr. President, I intend to support the Bosnia-Herzegovina Self-Defense Act as modified by the Nunn and Cohen amendments.

The war in Bosnia is tragic and horrible. No one can hear accounts of the rape, torture, and other crimes the Serbs have committed as they overran the so-called safe areas in Srebrenica and Zepa without being profoundly saddened—and outraged.

I share with my colleagues a deep sense of frustration that the U.N. forces in Bosnia have been unable to put an end to these atrocities. I wish the many attempts to reach a negotiated settlement had been accepted by the Serbs. I wish our allies in Europe had been more willing to take the lead in countering Serbian aggression.

But the reality is, they have not. No one is effectively defending the

Bosnians, and they do not have the capacity to defend themselves because of the arms embargo on the former Yugoslavia.

In the past, I have opposed resolutions calling for the unilateral lifting of the arms embargo. I have long believed the United States should not get involved on the ground in Bosnia, and that it will be much easier to get into Bosnia that it will be to pull American forces out later. I have been very concerned that unilateral actions could lead to greater American responsibility for that outcome and greater U.S. involvement.

But the amended resolution we will vote on today is different. Taken together, the Nunn and Cohen amendments require the United States before unilaterally lifting the embargo, to force a U.N. Security Council and, if necessary, U.N. General Assembly vote on lifting the embargo multilaterally. Only if both these avenues have been exhausted would the United States, as a last resort, act unilaterally.

The events of the past few weeks have made it clear that we cannot wait indefinitely for multilateral agreement to lift the arms embargo. The current approach in Bosnia is not working. Under these circumstances, we must force the United Nations to re-evaluate the arms embargo. It is my strong hope that the United Nations will decide to lift the arms embargo multilaterally. It is immoral to continue to block the Bosnians from obtaining the arms they need to defend themselves against Serbian aggression when it is abundantly clear that only the Bosnians are willing to defend Bosnia against Serbian aggression, ethnic cleansing, and other atrocities. The events of the past few weeks demonstrate that no one else—not the United Nations, not the United States, and not the Europeans—will adequately defend the Bosnians.

This was not an easy decision, Mr. President. There are no cheap or easy answers in Bosnia, and this approach involves some risks. But it is time to take the least risky approach: to lift the arms embargo—multilaterally if possible, but unilaterally if necessary—so the Bosnians can defend themselves.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

AMENDMENT NO. 1848 TO AMENDMENT NO. 1801

Mr. NUNN. Mr. President, my amendment is at the desk, and I call that amendment up.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for himself, Mr. GRAHAM, and Mr. ROBB, proposes an amendment numbered 1848 to amendment No. 1801.

On page 2, after line 18, insert the following:

''(4) The Contact Group, composed of representatives of the United States, Russia, France, Great Britain, and Germany, has since July 1994 maintained that in the event of continuing rejection by the Bosnian Serbs of the Contact Group's proposal for Bosnia And Herzegovina, a decision in the United Nations Security Council to lift the Bosnian arms embargo as a last report would be unavoidable.''

On page 5, after line 12, insert the following and reletter subsections (e) and (f) as subsections (f) and (g) respectively:

''(e) INTERNATIONAL POLICY.—If the Government of Bosnia and Herzegovina submits a requests to the United Nations Security Council for the departure of UNPROFOR from Bosnia and Herzegovina or if the United Nations Security Council or the countries contributing forces to UNPROFOR decide to withdraw from Bosnia and Herzegovina, as provided in subsection (a), the President (or his representative) shall immediately introduce and support in the United Nations Security Council a resolution to terminate the application of United Nations Security Council resolution 713 to the Government of Bosnia and Herzegovina. The United States shall insist on a vote on the resolution by Security Council. The resolution shall, at a minimum, provide for the termination of the applicability of United Nations Security Council resolution 713 to the Government of Bosnia and Herzegovina no later than the completion of the withdrawal of UNPROFOR personnel from Bosnia and Herzegovina.

Mr. NUNN. Mr. President, I will speak more to this resolution in my overall thoughts on the subject of the Dole-Lieberman amendment later this morning or shortly after noon after we meet with the President of South Korea.

But this amendment, as indicated by the reading of the clerk, basically does two things. This amendment says, which is a fact, that the contact group composed of Britain, France, Germany, the United States, and Russia in 1994 made a statement that if the Bosnian Serbs did not agree to the contact group proposal, that the last resort would be the unavoidable lifting of the arms embargo in the U.N. Security Council.

The second part of this amendment makes it clear that, without interfering with the Dole-Lieberman amendment's timetable, which does not require the lifting of the embargo until after the U.N. forces are removed from Bosnia, without altering that timetable on what would be the unilateral lift, this amendment sets up another effort. It sets up one final effort by the United States, having the President of the United States go to the Security Council and asking the Security Council to multilaterally, in accordance with the United Nations' and the Security Council's previous resolution, lift the embargo.

I think this amendment is important. All of us know that the Security Council may not do that but in a month or two the situation may change. Some minds may change. And I would remind those countries, Britain, France, Germany, Russia, as well as the United States, that as part of the contact group, and those that are also on the Security Council, including Britain, France, and Russia, that this action, this multilateral lift that we will be seeking, if the U.N. forces withdraw, is in complete accord and consistent with statements that they signed on to as a part of the contact group in 1994. So it would be my hope that there would be some minds changed if the U.N. forces withdraw.

Mr. President, I will make further remarks about both this amendment and my overall view of the Dole-Lieberman proposal before us and the administration policy sometime later in this debate.

I would say, though, that I concur in what I heard my friend from Virginia and my friend from Connecticut just state about the reports in the paper this morning which indicate that there remains a dual key, that the United Nations is maintaining jurisdiction and that our allies in Great Britain and France, according to the New York Times report, notwithstanding the London meeting, have been proponents of retaining that dual key.

That is contrary to what this Senator understood in reports from our administration's representatives when they returned from London. It is contrary to the initial reports that came out of NATO from London. And it points to the continuing inability of NATO to get its act together and of the United Nations to be able to delegate authority for military action, and the United Nations by all accounts is incapable of making those decisions.

It also calls into question the crucial point about whether a bombing campaign envisions the possibility of hostage taking and whether the participants in the bombing campaign in response to an attack on Gorazde are willing to continue the required military action even if hostages are taken.

Mr. President, it is absolutely essential that the NATO alliance not begin a strike campaign unless they are willing to hit meaningful targets and unless they are willing to continue that in the face of almost certain adversity, that is, hostage taking and perhaps even the killing of United Nations personnel.

Mr. President, these remarks I will continue at a later point, but I did want to go on record that the Senator from Virginia and the Senator from Connecticut are correct, in my view, that this report this morning I think greatly undercuts the position we hoped had come out of the London conference, which was to abolish the dual key at least as far as Gorazde is concerned.

I yield the floor.

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY HIS EXCELLENCY KIM YONG-SAM, PRESIDENT OF THE REPUBLIC OF KOREA

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 12 noon and proceed to the Hall of the House of Representatives for the joint meeting.

Thereupon, the Senate, at 10:44 a.m., recessed and, preceded by its Secretary, Kelly D. Johnston, and its Sergeant at Arms, Howard O. Greene, Jr., proceeded to the Hall of the House of Representatives to hear an address delivered by His Excellency, Kim Yongsam, President of the Republic of Korea.

(For the address delivered by the President of the Republic of Korea, see today's proceedings in the House of Representatives.)

AFTER RECESS

Whereupon, at 12 noon, the Senate, having returned to its Chamber, reassembled and was called to order by the Presiding Officer (Mr. ASHCROFT).

The PRESIDING OFFICER. The Senate will come to order.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Parliamentary inquiry.

I think it would be helpful if the Chair would cite the order of the time of the votes and the pending matter.

The PRESIDING OFFICER. The pending matter is S. 21, the Bosnia matter. There are 45 minutes to each side under control in debate, and circumstances with leaders on each side controlling debate. At 1:30——

Mr. WARNER. I think it is 1:45, Mr. President.

Will the Chair clarify the time?

The PRESIDING OFFICER. There is controlled time until 1:30, followed by the two leaders who have an opportunity to speak to the issue and use their leader time. The amendment by the Senator from Georgia. [Mr. NUNN] is pending to the substitute of the majority leader.

Mr. WARNER. Thank you. Mr. President, then, for planning purposes, Senators could anticipate a vote between 1:45 and 2.

Would that be correct?

The PRESIDING OFFICER. That, I believe, is the general time of which the next recorded vote should occur.

Mr. WARNER. Mr. President, I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I ask unanimous consent to proceed as in morning business for no more than 10 minutes.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. Who yields time for that purpose?

Mr. CRAIG. And that the time not be used by either side.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Mr. President, reserving the right to object, would that time then be divided for both sides fully?

Mr. CRAIG. I would choose it not be divided from either side.

The PRESIDING OFFICER. Is there objection to the Senator's request?

Mr. CRAIG. If there is no objection, it could be divided equally.

Mr. WARNER. Mr. President, reserving the right to object, I have to consult with the distinguished majority leader. I note the presence on the floor of a number of Senators who wish to address the pending resolution.

Might we inquire of the Senator from Idaho the time?

Mr. CRAIG. It does not deal with this issue.

Mr. WARNER. I realize that. The time that the Senator would want?

Mr. CRAIG. No more than 10 minutes.

Mr. COATS. Mr. President, may I inquire of the manager of the bill—I am sorry. I just walked onto the floor and did not understand what the allocation of time was. I know we are moving toward a vote at 1:45, approximately. The time is reserved for leaders. I would like to get some assurance that I will be able to speak on the pending question for up to 10 minutes or so. I do not know how that works in terms of other time that might be allocated. I just offer that so that the leader has some opportunity to make a judgment on this.

Mr. WARNER. For the information of the Senators present, there is now an hour and a half of time equally divided between the majority leader and the Senator from Connecticut and those who wish to speak in opposition. I see the presence of two or three Senators I happen to understand will be speaking in favor, on behalf of the majority leader's amendment. I am perfectly willing to allocate such time within that 45 minutes as they desire.

Could the Senator from Indiana indicate how much time he would like to have?

Mr. COATS. I prefer more, but I will accept 10 minutes or so.

Mr. KYL. Mr. President, if I may indicate to the Senator from Virginia, I would be happy to have 5 minutes reserved for my comments.

Mr. WARNER. Mr. President, I have just been advised by the majority leader's staff that the majority leader is overcommitted at this time with respect to the time period of 45 minutes under his control. Therefore, I regret that I would have to interpose an objection to——

Mr. CRAIG. Mr. President, I will yield the floor then if time has been allocated for this purpose.

Mr. WARNER. Mr. President, this is the first I knew about this allocation of time.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I yield 10 minutes to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. WARNER. Might I ask the Senator from Indiana if he could lessen that time if at all possible because we are overrequested.

Mr. COATS. I will do my best.

Mr. President, I thank the Senator from Virginia for his courtesy. I did speak on this issue a few days ago, and I will attempt to summarize the statement that I have here in the interest of preserving some time for other Members.

I tried to make two points. First, that it is regrettable that we are here not debating what the policy should be relative to Bosnia, fulfilling our constitutional role of advise and consent to the President of the United States, who is Commander in Chief and who is delegated and given the responsibility and authority to conduct the United States foreign policy, but regrettably we are here formulating that policy in the absence of leadership provided by the President and the administration in fulfilling their duties. That has been a continuing sad story that has permeated this entire Bosnia debate over the last 2½ to 3 years.

Filling this vacuum of leadership is not something that this Senator relishes or even feels fully qualified to perform. Nevertheless, it seems that it is left to us to try to identify and define some policy relative to the United States involvement or lack of involvement in this conflict in Bosnia.

It is true that the choices that face us as a nation in terms of dealing with this conflict are not easy choices. Former Secretary of Defense Les Aspin said all choices in Bosnia are bad; some are worse. It is clear that we are dealing with perhaps what might be defined as the best of the worst in terms of choices. But a couple of facts confront us very, very directly today in this conflict.

Fact No. 1 is that the current attempts at negotiating a settlement to the conflict in Bosnia have failed. And they have failed for a period now of 2½ to 3 years. There have been numerous attempts. There have been numerous so-called peace agreements, new peace plans. I met with the Bosnian Foreign Minister just a few days ago. He said, ''We have signed 17 pieces of paper agreeing to cease-fires and agreeing to peace plans.'' He said that, ''We have one party in this conflict that holds a piece of paper and no weapon, and another party who holds a weapon and no piece of paper.'' He said to guess which one is going to prevail.

He said, ''We will not be able to sit down at the table and begin to negotiate an agreement which both sides can agree to and adhere to until there is an equalization of the confrontation that exists between the two.'' Either both hold a piece of paper or both hold a piece of paper and a weapon, and some sort of rough stalemate exists that will cause both parties to have an incentive to come to the peace table. As the situation now exists, no peace can be achieved if one party has no reason to achieve a peace, no basis to achieve a peace. There is no reason they need to achieve a peace if they can achieve their gains through force.

The second truth we face is that UNPROFOR's—the so-called protective force's—policy of protecting Bosnians

in safe havens has failed. We daily read of the latest disaster in this regard.

It is clear that UNPROFOR, for whatever reason, does not have the capacity, the will, or whatever, to achieve a successful implementation of the protection policy.

The third basic fact, and we might as well say it and be up front about it, the United States is not going to intervene militarily to solve this and resolve this conflict. The American people do not support it, the Congress does not support it, the President has not articulated why we should do this, how it is in our vital strategic or national interest, how we could achieve this militarily, how long we would be there, what our exit strategy would be.

None of the defined criteria that are used to justify American intervention have been either defined or articulated to either us or the American people, and it is clear that we will not commit troops to this conflict.

Anyone who has studied the history of conflict in this region, anyone who understands to the most elementary level the nature of the environment in which we will be placing our troops, anyone who understands the complexity of this particular conflict, has to come to the conclusion that it would be a disaster, a mistake, to involve the U.S. militarily in this conflict.

Therefore, we are left with what I believe is probably the best-worst option, something that I have been reluctant to endorse, but something I do now endorse, and that is a lifting of the embargo. I agree with the proposal that withdraws the U.N. protective forces first before we lift. I think that is important. I agree with the policy that says the United States should not commit to a NATO strategy that is destined to be a failed policy.

But after UNPROFOR has left, and hopefully we will not need to fulfill the President's already-stated commitment and promise to our NATO allies to utilize U.S. forces to withdraw those forces, hopefully that will not be necessary. I will reluctantly support that, in an emergency situation, if there is no other way, as a commitment to NATO that I believe has been made and we need now to keep. Hopefully, we then can lift the arms embargo.

I think we need to understand what this means. I asked the foreign minister, what does this mean lifting the arms embargo? What kind of arms do you seek? He said, ''You don't understand. We don't need American advisers on the ground; we don't need massive training off site, we are very skilled in the rudimentaries of conflict.''

What we are dealing with here is not a Desert Storm sophisticated arms conflict, but something more akin to pre-World War II. He said, ''The first thing we need are helmets.'' He said, ''Most of our deaths are caused by shrapnel injuries to the head because we are not allowed to have helmets under the arms embargo.'' It is an absurd restriction.

Second, he said, ''We need some ammunition, small arms ammunition. We don't need people to show us how to use that. We have been an arms manufacturer in the past.''

Third, he said, ''We need some antitank weapons so that we can deter the heavy tank forces that may be arrayed against us.'' He said, ''These don't need to be sophisticated either; shoulder-held, shoulder-fired antitank weapons would be sufficient.''

And fourth, ''We need artillery to counter the artillery that is utilized by the Serbs so that we can achieve some kind of balance of forces.''

So lifting the arms embargo does not mean necessarily greater U.S. involvement, it does not mean we need to supply the arms. These arms are available on the world market. It simply means we give the Bosnians the right to do what they had asked us to do, and that is to defend their own borders.

Finally, I think we need to examine a strategy of containment that is in our vital national interest, not to have this spread into the areas of Macedonia and Kosovo. We do need to draw the line, NATO does need to be involved in this, but it requires U.S. leadership to accomplish it. U.S. leadership has been the glue that formulated NATO, it has been the glue that has held it together, and it is going to be the leadership necessary to maintain NATO as a sustainable, viable defense entity. So we need that leadership, and we should consult with our NATO allies about a containment strategy that keeps this conflict contained within its current area.

So, Mr. President, that is a very abbreviated explanation of why I support the Dole-Lieberman effort here. I do so reluctantly. I believe we have no other choice.

I thank the Senator from Virginia for the time that he has allotted to me.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I yield myself such time that I might require.

I think it would be in order if we sort of recognized, went back and forth from those in support and those in opposition. The Senator from Washington came very promptly. So I suggest by way of unanimous consent that the Senator from Washington proceed, to be followed by Senator KYL and Senator DEWINE, Senator THURMOND. Of course, we can interrupt that order, if necessary, if others in opposition wish to speak.

And then I also announce that we have reason to believe that Senator COHEN may be desirous of submitting an amendment. I hope he will advise the managers as to his time requirements as early as possible. I yield the floor.

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

Mrs. MURRAY. Mr. President, I yield myself 5 minutes in opposition.

I do rise today in opposition to S. 21, which directs the President of the United States to unilaterally lift the arms embargo on Bosnia and Herzegovina. Like many of my colleagues, I, too, want to do something, anything, to stop further atrocities from occurring in Bosnia. The situation grows more horrid everyday. We have all said it in a hundred different ways: There are no good options to choose from when trying to determine how best to respond to the tragedies in Bosnia and Herzegovina.

Compelling, sound, and thoughtful arguments have been made on both sides of this debate. In the words of one young Dutch peacekeeper just freed from Srebrenica: ''You wish the war would stop, but it's only a wish. It will be a miracle if this war ever stops.''

He had come to that conclusion after witnessing first hand the hatred that has fueled this conflict for generations, a hatred so deep as to seem endless, passed on for centuries from parent to child.

At home, most Americans wonder aloud why the nations of Europe have not been able to come together around this crisis. Knowing how pressing the needs are in our own country, many Americans voice frustration at the unending calls for one form or another of United States involvement in Bosnia. Many resent the United States. in the role of global policeman again, and still many others are horrified by the pictures they see of refugees, of Bosnia's senseless dead, of ethnic cleansing and genocide, of a young woman hanging from a tree in desperate pursuit of escape.

It is this profound sense of frustration that brings us to this debate today. Proponents of S. 21 argue that this approach gives us the best of both worlds—allowing the United States to do something to resolve the conflict while doing nothing to further our own national involvement. But I believe, Mr. President, that the promises of this approach may well prove to be false and that the consequences of Senator DOLE's bill are not well understood.

It is those consequences that concern me the most. It is those questions that have not been answered as we go through this debate.

Despite those who have dismissed his comments during the course of this debate, I agree with Secretary of Defense William Perry when he says that unilaterally lifting the embargo greatly risks Americanizing the war in the Balkans.

Let me make it clear that I agree with those who argue that the arms embargo should be lifted, because it is the Bosnians' right as an independent nation to defend themselves. U.N. Resolution 713, agreed to in 1991 and imposing an arms embargo on all states formed from former Yugoslavia, has frozen a military imbalance in place, because Bosnian Serbs inherited most of the arms and troop strength from Tito's Yugoslavia.

But I continue to have very strong concerns about the United States going

it alone and lifting the arms embargo against Bosnia unilaterally—against the better judgment of our European allies who have troops on the ground, and who have far more at stake than we do at this point.

We have spent little time during this debate discussing the actual details of the plan before us. But it is those details that will determine the success or failure of this approach.

For example, if the goal of lifting this embargo is to get arms to the Bosnians, how exactly will that be accomplished? Who will be supplying the arms? The language of the bill suggests that we can somehow preclude U.S. participation, but I am unclear as to how that can be achieved. If we act unilaterally, we may then be in a position of supplying not just arms, but also trainers and other U.S. military support personnel. Or, if we simply provide funds for the Bosnians to purchase arms, will we be supportive if they use United States funds to purchase arms from Russia—or Iran?

How do we keep United States supplied arms from falling into the wrong hands? This may be a particularly difficult problem if Russian arms are purchased—given that Russia has remained very close to the Serbs during this conflict.

More broadly, if we view the Bosnian crisis as a potential threat to European stability, then I believe we must approach the problem in concert with our European allies, despite how difficult this has been. They are strongly opposed to lifting the embargo, and have made it clear that if the United States lifts the Bosnian embargo, they will remove their peacekeepers. That will no doubt lead to a new wave of refugees in Europe. It is the Europeans who will have to deal with the immediate effects of any U.S. action. It will be their soldiers who are on the ground in Bosnia, and whose lives will be on the line.

Other questions remain.

Currently, the United States works with our allies to enforce the embargo. If we break it unilaterally, will our allies continue to try and enforce it, and if so, how will we deal with such conflicts?

The Croatians, too, have lost territory to the Serbs and would like to reclaim it. If we lift the embargo against Bosnia, why will we not be asked to do the same for Croatia?

And, if the United States acts unilaterally, this could lead some nations to question their commitment to other embargoes, such as the economic boycott of Iraq currently in place.

Mr. President, I am not prepared today to bury the multilateralism we have worked so hard to develop over the last 50 years with our allies.

And finally, if the U.N. peacekeepers are removed, the United States may find itself in a position of having to deploy our own troops to help in that evacuation. Have the American people been adequately prepared for the loss of life that may occur under those circumstances? On that question, Mr. President, I strongly believe we should take the matter to a vote of the House and Senate if a wider role for U.S. troops is requested, so that the American people are involved.

Let me make it clear that although I do not support the resolution before us today, I agree that the status quo is totally unacceptable. The handwringing of the West has been endless. Our actions have been irresolute and irresponsible.

It has been a mistake from the beginning to deploy U.N. peacekeepers in a situation where no peace exists. It is not the mission of U.N. peacekeepers to make peace. Their role is to try to keep the peace once a settlement to the conflict has been agreed upon. That is not the situation in the former Yugoslavia. In the words of the Secretary General, the West has delivered to the United Nations a ''mission impossible.''

Scores of peacekeepers have been killed—and countless wounded. They have been deployed as soldiers into a war zone, but without the arms and means to protect even themselves.

The peacekeepers have done their best under these horrid circumstances. They have saved countless thousands of lives. They have delivered vital humanitarian relief supplies. But they cannot be expected to resolve this war.

As I said in the beginning of my statement, we have come to this debate out of a deep sense of frustration.

This past weekend's ministerial level meetings in Europe produced a refinement of current allied strategy, but the current allied position remains tenuous and untested. We know that NATO's pinprick airstrikes are to be replaced by a NATO air campaign. We have been promised significant improvements in the duel-key command and control system, but confusion on this critical issue remains.

Overall, the agreement between the United States and our allies is extremely fragile, with important questions remaining about its implementation. Will, for example, the plan to protect Goradze become a policy and extend to other U.N. safehavens if they come under attack?

Fundamentally, is there a policy of resoluteness behind this site specific plan? If so, I have yet to hear it. And will the military officers on the ground finally be in control of military decisions, as opposed to the current situation where civilian U.N. officials can veto a military recommendation to initiate airstrikes. It is that situation which has led the Serbs to conclude that the West is nothing more than a paper tiger.

Rightfully frustrated by what appears to be yet more allied indecisivness, Senators voting today in support of the unilateral lifting of the embargo believe their action will contribute to a solution in Bosnia. For the sake of the Bosnians, and for the sake of the entire civilian population throughout the former Yugoslavia, I hope that they are right, and that this action brings the conflicting parties closer to the peace table.

But we have no way of knowing that will be the case.

Let me state clearly that I oppose unilaterally lifting the embargo for two basic reasons: At the core, this is a European issue. Our European allies are on the frontline, and they do not want us to act unilaterally. We have 50 years of solid NATO relations at stake, and I have strong concerns about the United States going it alone against our European allies who have troops on the ground and who have more at stake than we do as we go into this debate.

Second, and more important, if we do this, we have to be prepared to accept the consequences—we, the Senators of the U.S. Senate. The moment we lift the embargo, there is a strong chance the allies will leave and an all-out war will follow. If that is our choice, we will have to live with the resulting carnage. It is for those two reasons that I oppose this proposition before the Senate.

Mr. President, this is a debate with endless questions and few answers, but in my view history will far better be served if the United States continues to try to forge a consensus approach to this tragic situation, rather than adopt a go-it-alone strategy that may well have the unforeseen consequence of widening the war and escalating our own national involvement.

It is with a great deal of reluctance and sadness that I vote today in opposition to the amendment before the Senate.

Mr. WARNER. I yield myself such time as I may require. I am informed at the present time there will be an objection to any request to extend the amount of time now elapsing between 12:20 and 1:30, at which time the leaders have their time reserved.

Therefore, I ask the Senator from Arizona how much time is required?

Mr. KYL. Mr. President, 5 minutes.

Mr. WARNER. Could the Senator reduce it to 3?

Mr. KYL. I will do my best.

Mr. WARNER. I ask the Senator from Ohio [Mr. DEWINE], to reduce his time to 3 minutes.

The distinguished Senator from South Carolina, could we inquire as to the amount of time that the Senator desires?

Mr. THURMOND. Mr. President, 7 or 8 minutes.

Mr. WARNER. Could I ask the Senator to reduce that amount of time? We are rapidly running out of time.

Hopefully we can accommodate the Senator from Maine.

Mr. THURMOND. Can the Senator extend it to give me 7 minutes?

Mr. WARNER. I am told there will be an objection. Could we hopefully do 5 minutes?

Mr. THURMOND. I will try.

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I want to strongly support the Dole-Lieberman resolution. It is frustrating for all because the moral imperatives here demand action, yet as has been noted by all of the other speakers, all actions are fraught with problems.

We all agree there are no good options. We all agree that lifting the arms embargo is not a panacea, but it will enable the Bosnian Moslems to defend themselves, which is their right under article 51 of the United Nations charter. It may hasten the day when the Serbs cease their aggression.

Ever since the United Nations extended diplomatic recognition to Bosnia and Herzegovina in 1992, I have believed that the United Nations should either act to get the United Nations to lift the 1991 embargo, or unilaterally lift that embargo to make it easier for the Moslem communities to defend themselves.

We all know that the Bosnian Serbs have an arsenal of weapons which they obtained largely from the Yugoslavian Army, also from Romania, the Soviet Union and other sources.

In Afghanistan, Cambodia, Nicaragua, and with the Kurds in Iraq, the United States helped those defending their families and territory to acquire the weapons to defend themselves. This situation is no different, Mr. President. That is why I support lifting the arms embargo.

While some negative consequences could result from lifting the arms embargo, it cannot be worse for the Bosnian Moslems than the death of 200,000 civilians, perhaps thousands of women raped, 2 million people left homeless, and the loss of 70 percent of their territory.

Albert Wohlsetter pointed out in an editorial entitled ''Genocide by Embargo,'' ''adherence to Security Council Resolution 727, even after the United Nations, European Community and the United States has recognized the independent status of the states of the former Yugoslavia, is a violation of article 51 of the U.N. Charter which acknowledges the right of self-defense.'' He says ''The United States should now simply declare that there is no valid embargo on the sovereign nations who are the victims of continuing Serbian genocide.''

Mr. President, shortly we will be voting on two amendments which seek to involve the United Nations. Of course, if the United Nations could quickly lift the arms embargo, that would be the best result. These amendments should not interpose between U.S. action immediately and lifting of the arms embargo by the rest of the world communities any requirements that would delay U.S. action.

That is why I believe we should first pass the Dole-Lieberman resolution which commits the United States to action, not dependent on what anyone else does. As former British Prime Minister Margaret Thatcher wrote in her recent letter to Senator DOLE, ''American leadership is vital to bring order out of the present chaos. No country must be allowed to veto the action required to end the present catastrophe.''

Mr. WARNER. Mr. President, I ask unanimous consent I may proceed for not to exceed 2 minutes on my time.

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

Mr. WARNER. Mr. President, it is important that the Senator from Maine be given an opportunity to propose an amendment which is in the nature of a second-degree amendment. I yield to him 2 minutes.

AMENDMENT NO. 1851 TO AMENDMENT NO. 1848

Mr. COHEN. Mr. President, last evening I took the floor to indicate that my expectation was that Senator NUNN would be offering an amendment that essentially would require President Clinton to go to the United Nations. A year ago in August, Senator NUNN and then Senator Mitchell also sponsored legislation requiring the President to go to the United Nations. The President did, but he did not seek a vote.

Under the Nunn amendment, as I understand it, he would require the President to seek a vote to lift the embargo on a multilateral basis. It is my expectation that if the President were required to do so, nonetheless we could anticipate that one of the members of the Security Council—be it Russia, be it France, be it any other member—would impose a veto or seek to prevent it from coming to a vote.

My amendment to the Nunn amendment would require that in the case that a vote is prevented or in case a veto is lodged, that the President would then go to the General Assembly of the United Nations which has voted—the membership of that has voted on two prior occasions overwhelmingly—to lift the embargo.

This would, in my judgment, meet the objections of our colleagues who are concerned about undermining our relationship and the United Nations or with NATO. This would give an opportunity for a multilateral lifting of the embargo and would preserve the integrity of the institution itself.

I believe it would resolve the problems that many of my colleagues feel now, acting unilaterally. This is an opportunity for the countries who have voiced their support for the lifting of that embargo on a multilateral basis to cast their vote. I believe we would accomplish our objectives. I intend to support the Dole resolution. I intend to support the Nunn amendment, and hopefully my colleagues will also support it.

Mr. President, I send to the desk my amendment in the second degree.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Mr. COHEN] proposes an amendment numbered 1851 to amendment No. 1848.

The amendment is as follows:

Strike the period at the end and insert in lieu thereof the following: ''In the event the United Nations Security Council fails to adopt the resolution to terminate the application of United Nations Security Council resolution 713 to the Government of Bosnia and Herzegovina because of a lack of unanimity of the permanent members, thereby failing to exercise its primary responsibility for the maintenance of international peace and security, the United States shall promptly endeavor to bring the issue before the General Assembly for decision as provided for in the Assembly's Uniting for Peace Resolution of 1950.''

Mr. THURMOND. Mr. President, I believe the Nunn amendment is sufficient to allow consideration of a multilateral lift of the arms embargo by our allies. The Nunn amendment provides the United States ample opportunity to consult to the greatest reasonable extent with our allies. As I said in my statement earlier, the time to act is now—not later. However, so that it can never be said that the United States did not allow every opportunity for the international community to support a multilateral lift of the arms embargo, I will support the Cohen second-degree amendment.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 1801

Mr. DEWINE. Mr. President, I rise today in support of the Dole-Lieberman bill.

Let me make very clear, however, at the outset, that I believe that this is a terrible way to have to make foreign policy.

The facts are that no congressional action can substitute for Presidential leadership. No congressional action can substitute for Presidential vision. There is no substitute for a clear and coherent U.S. foreign policy defined, articulated, and pursued by the President.

Congress cannot negotiate with our allies. Congress cannot open up a back channel. Congress cannot order airstrikes.

Therefore, this is a resolution that I am not particularly happy to have to endorse. I am sure that many of my colleagues share my intense dislike for congressional micromanagement of foreign affairs and foreign policy. I do not think, Mr. President, we should make a practice of acting as pseudo-Secretaries of State.

In fact, last week when the President called the majority leader and asked him to delay action on this resolution, I had hoped then that the President was going to lead. The events of last weekend and the last few days, as articulated by my colleague from Connecticut and my colleague from Virginia several hours ago, clearly shows this is not going to happen.

Mr. President, Congress cannot force the President to lead, but maybe Congress can push him towards leading. Indeed, we must do this. The stakes in Bosnia are great. This conflict is more than just a civil war. It involves more

than just the tragedies we see on TV, however horrible they are. It also involves the question of the future of NATO and ultimately the stability of Europe.

We have to reassert U.S. leadership of NATO. We have to maintain NATO as a viable force. We have to prevent the spread of this conflict.

The administration simply does not have a coherent policy to achieve these ends. Crossing your fingers is not a policy.

To achieve these ends, you have to start changing the conditions on the ground. The bill before us outlines one way in which we could begin to do this.

Clearly, though, lifting the arms embargo is a moral imperative. It is the right thing to do. The administration may not have a foreign policy yet, but until they do we should at least give the Bosnians a chance to defend themselves.

The arms embargo is an unwise, outdated policy, enacted against a country that no longer exists. I am, however, troubled by the idea of a unilateral U.S. withdrawal from a collective engagement. That is why I intend to support the amendments of Senators COHEN and NUNN. We should go to the U.N. Security Council—and, if we fail there, the General Assembly—to make this an allied and not a purely American policy.

Mr. President, the handwriting is on the wall for the U.N. policy in Bosnia. The UNPROFOR troops are coming out—they are probably coming out whether we pass this resolution or not.

They are coming out for good reason. They simply have no constructive role to play under the rules of engagement.

Are the UNPROFOR troops supposed to stay in Bosnia just to die? Are they supposed to stay there just to be captured—just to serve as a shield for the aggressors? No. The writing is on the wall, and they are coming out.

We need the President to lead.

The President needs to explain to the American people what America's goals are in Bosnia—how, specifically, he intends to achieve them—what sacrifices the American people might have to make—and why.

We cannot do that here on the Senate floor, but somebody has to. And that somebody is the President of the United States.

On this issue, the administration is adrift. It is my hope that by passing this resolution, the Senate is recalling the President to his most important responsibility—to serve as Commander in Chief.

Mr. President, this problem will not just disappear. The only hope for a more positive resolution of this tragedy will come with Presidential leadership.

Mr. WARNER. Now, Mr. President, the distinguished senior Senator from South Carolina is about to address the Senate. I would like to make a further request for unanimous consent that the Senator from Minnesota [Mr. WELLSTONE] be granted 3 minutes following that.

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

Mr. THURMOND. Mr. President, last week I spoke on the floor about the situation in Bosnia—about the U.N. safe havens being overrun by the Bosnian Serbs and U.N. peacekeepers being taken hostage.

Since my statement on the floor, the United States and its allies, primarily Britain and France, met to discuss options. The result of those meetings was a stern warning that aggressive airstrikes would be used against the Bosnian Serbs if they try to overrun anymore U.N. safe havens, like Gorazde. The Bosnian Serbs reaction to that ''stern warning'' was to fire a barrage of shells into Sarajevo killing and wounding civilians. Members opposing S. 21 are asking that time be allowed for the new directive to use aggressive airstrikes against the Bosnian Serbs to work. In the meantime, the U.N. General Secretary is sitting in New York determining exactly what the use of aggressive airstrikes will include. And according to the news accounts today, he will retain the authority to veto any NATO recommendation to use aggressive airstrikes. Meanwhile, Zepa fell yesterday to the Bosnian Serbs, and Sarajevo continues to be shelled.

It is clear to me that the majority of Members in this body agree that the U.N. mission has failed—it is time for the U.N. protection forces to withdraw. Despite continued stern warnings and threats by the United Nations and NATO to use aggressive airstrikes, the Bosnian Serbs continue to defy the United Nations and NATO and continue to pose a danger to the civilians in the U.N. safe havens and the U.N. peacekeepers there to protect them. The time has come for the administration and our allies to quit wringing their hands about what to do in Bosnia and quit looking to the United Nations to make decisions on whether to use aggressive airstrikes to enforce peace in a country where there is no peace.

Mr. President, as I stated last week, the United States has no national security interests in Bosnia. The only interests the United States has with regard to the situation in Bosnia is to provide leadership and act responsibly as a member of the United Nations Security Council and as a member of NATO. It is time for the United Nations to withdraw its forces from Bosnia and to seek agreement to lift the arms embargo against Bosnia. Failing an agreement by the U.N. Security Council to lift the embargo, the United States should unilaterally lift the arms embargo so that the Bosnians can defend themselves. It is time for the Congress to show its leadership to ensure that U.S. credibility as a treaty partner and NATO ally. We must assist, if requested, in a NATO withdrawal of the U.N. protection forces from Bosnia.

I remain concerned that Members of this body did not actively engage in a discussion of U.S. support in a NATO withdrawal of UNPROFOR. The U.S. cannot stand by while our allies are in mortal danger during a withdrawal of UNPROFOR. As I stated last week, the damage to U.S. leadership, honor, prestige and credibility would be beyond calculation, if we do not send a clear signal now that the Congress will support the participation of U.S. troops in a withdrawal operation. It should be understood, however, that any U.S. participation in a U.N. withdrawal must be totally under NATO command and that there can be no dual key arrangement between the United Nations and NATO and there must be robust rules of engagement.

The situation facing this body is not complicated, but the demand for us to take decisive action is clear and urgent. The Dole-Lieberman substitute to S. 21 allows us to take action which is well defined and in the best interest of our Nation. The Dole-Lieberman substitute also serves the best interests of our Allies, to whom we have pledged our support in leaving what has become an impossible mission. I urge the Senate to support the Dole-Lieberman substitute to S. 21 and hope that our Allies join in this positive course of action.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I would like to pose a further unanimous-consent request, that from the time under the control of the distinguished majority leader, 4 minutes be granted to the Senator from Minnesota, now waiting to speak; that 3 minutes be granted to the Senator from Iowa; that 3 minutes be granted to the Senator from New Jersey [Mr. LAUTENBERG] who has been here; and my understanding is the Senator from New York [Mr. MOYNIHAN] is going to speak against the amendment, consequently he would take 5 minutes from the time under the control of the other side.

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

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, we have witnessed, over the last few months, especially the last 2 weeks, a sickening spectacle in Bosnia. Women raped for alleged sins committed by their ancestors centuries ago, torture, and the brutal cold-blooded murder of young Moslem men. Where are the Serbs taking these men, 12 years of age and older—if you want to call a 12-year-old a man? I have felt from the beginning we should be flying over, taking notes of the license plates, and making clear to the Serbs they will be held accountable for war crimes.

Mr. President, this is the never again—again. These are Nazi-like tactics, Nazi-like actions. That is what we are witnessing.

During the last 3 years, I have voted at various times both on the arms embargo and to find other ways that allies could respond to this aggression by the Serbs. And it does seem to me that the arms embargo must be lifted.

But if we are going to be intellectually honest, we need to think through all of the policy implications that accompany this momentous decision. If the UNPROFOR forces are going to be leaving, they have to have safe exit, and the international community, with the United States included, I believe, has to make a commitment.

What about the refugees themselves? I traveled to the former Yugoslavia, and I met with refugees. And I saw enough pain to last a lifetime. God forbid what is going to happen to them in the interim if U.N. forces withdraw and the Serbs just go on forward and we have more slaughter on top of slaughter. What is going to be our response and the response of the international community?

I say to my colleagues, I think this is a moral imperative, and we should end this. I hope it is multinational. But we should end this arms embargo.

But, please, Democrats and Republicans alike, do not think that now, all of a sudden, it is a level playing field. Do not make this a technical fix. Do not turn your gaze away from what is happening because we have other obligations that we must live up to. The people of Bosnia need our help. They deserve the right to defend themselves against brutal Serb aggression.

We should vote today to send a strong signal to the administration and to our allies that we must move forward forcefully on Bosnia before the entire U.N. operation collapses and the people of Bosnia are overrun altogether by the Serbs.

Mr. President, my colleagues, Senator LIEBERMAN, ''never again'' should mean ''never again.'' Let us vote to send a strong signal to the rest of the world that we still believe in that proposition.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, regardless of which side you may be on in this debate, I think we can all agree on one thing. And that one thing we can all agree on is the lack of leadership this administration has displayed in this crisis. This administration under President Clinton has zigged and zagged and flipped and flopped more than a lost rabbit in an Iowa corn field.

This administration has huffed and puffed and bluffed it's way through this crisis for over 2 years now. I would agree that the prior Bush administration also made mistakes. But, those mistakes have been increased and expanded under a Clinton foreign policy that no one understands or respects. And, that includes our allies.

The only entity that has less respect is probably the United Nations. And who do we turn the responsibility over to? Of course, the Clinton administration has allowed the United Nations to define and control our policy.

Just a few examples of the multilateral ineptitude that's taken place including the following:

In November 1993, a Sarajevo schoolyard was shelled, killing 4 children and wounding 40. The Clinton administration responded by saying ''We're not going to allow that city to be strangled, to be cut off, to be relentlessly attacked.'' What action was taken? None.

In May 1995, 200 U.N. peacekeepers were taken hostage and used as human shields against air strikes. We heard all kinds of protests and threats from the Clinton administration to the NATO Secretary General. What action was taken? None.

One of our planes was shot down recently thanks to the fact that the administration had neglected to provide missile jamming devices to our planes. And the pilot was hunted like an animal. Thankfully, the pilot was rescued. What action did we take against the aggressors? None.

Mr. President, in stark contrast, we see the leadership of Majority Leader DOLE. Senate DOLE has consistently moved forward with efforts to allow the Bosnian Government to exercise its inherent right to defend itself. Against many odds last year, including a hostile Clinton administration, and an uncooperative Congress, Senator DOLE forged ahead and made his case. Today, his case, which is the case for justice to the Bosnian Government, will finally win the day.

Of course, it may only be for a day or so, since the Clinton administration is adamant about continuing its incompetent course of disaster, by threatening to veto a unilateral lifting of the embargo. This of course, is another sad commentary on the administration's failed policy.

Mr. President, it is way beyond the time to finally act. And veto threats, notwithstanding, I urge my colleagues to do the right thing and support the Dole substitute amendment.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

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

I rise for the simple purpose of clarifying, to the degree that I am able, a point of law, a point of international practice, an American principle which is at issue in the first two amendments that we are going to consider. And I thank my friends from Virginia and Connecticut for allowing me this time.

A very brief proposition, sir, but a long history behind it: Article 24 of the charter, drafted in a time of great expectations for post-world war that did not come to pass, states that,

> In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council act on their behalf.

Sir, this was at a time when we anticipated that the Security Council would have available to it armed forces from various member countries.

The Senate provided that the President could make available specific military units—the 6th Fleet, the 1st Marine Division. If once we had agreed in the Senate and in the Congress to do this, he could thereafter deploy them at will.

However, it was stated, and it was a matter of great concern in our delegation in San Francisco—Senator Vandenberg was most particularly concerned—that the powers of the Security Council would not interfere with the inherent right of individual or collective self-defense, which was the basic law of nations. Senator Vandenberg said that, if this was not provided in the charter explicitly, a reservation would be offered on this floor, and he would support it, and, in the end, it was agreed to. Then Republican adviser John Foster Dulles, was not that enthusiastic, but after much debate by the delegation it became the position of the United States that it had to be included in the charter.

Now, sir, here is the simple point, and I hope I can be heard on this. I speak as someone who was Permanent Representative to the United Nations under President Ford. I speak as someone who once served as the President of the Security Council.

If we adopt the two amendments before us, we concede that in the one instance, the Security Council, in the other, the General Assembly, has the right to deny the inherent right of individual or collective self-defense. If they have to vote to agree to the exercise of that right, then it is not a right itself; it is simply an authority that can be conferred by a higher body; to wit, the Security Council or the General Assembly.

I say once again, sir, this is an article of great concern to us. The Treaty of Chapultepec, the Western Hemisphere defense system, the Monroe Doctrine—all of those things were agreements which we were concerned might be limited by the charter, putting into question the inherent right of individual or collective self-defense.

If we ever concede, for whatever transient purposes of this moment, that the Security Council has the right to confer what becomes simply a privilege, not a right, or the General Assembly has the right to confer what becomes now a privilege, not a right, then we are in grossest ignorance and avoidance of the history of the charter and the text of the charter.

Mr. President, I hope we do not make this mistake. It would be something that 50 years ago on this floor would have been clearly understood. And we have not dealt with these issues much in the last half century. We may have become forgetful, although the revered former chairman of the Committee on Foreign Relations would remember. He was there.

I point out, sir, that the right of individual or collective self-defense is inherent. That is the language of the

charter. The charter is simply a codification of rights. The right to self-defense being an inherent right, we cannot ever concede to the Security Council or to the General Assembly some authority to confer—let the right become operational, or however you like to say it—that right. It ceases at that point to be a right. It becomes a privilege to be conferred or denied.

I thank the Chair most specifically for his kindness and attention.

Mr. President, I ask unanimous consent that a memorandum of law be printed in the RECORD.

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

MEMORANDUM OF LAW

SUMMARY

The history of Article 51 demonstrates that any member state's obligation to defer to the Security Council in refraining from engaging in individual or collective self-defense is conditioned on the Security Council taking effective measures to restore peace and prevent aggression. The record further shows that unless this point was made clear in the Charter, the Senate probably would have taken a reservation on this point in giving its consent to ratification.

DISCUSSION

According to Ruth Russell's indispensable ''A History of the United Nations Charter,'' the principle of the right of self defense was so unanimously agreed upon that initially there was no proposal to include in the Charter an express provision on this point. The bulk of the debate over the issue revolved around the desire of the U.S. delegation to confirm that the Security Council could not interfere with the ''collective'' right of self defense within the Americas under the Treaty of Chapultepec.

The American delegation initially considered opposing any express reservation on the grounds that it could only be used to restrict what was ''inherent'':

''When the [American] delegation made its paragraph-by-paragraph study of the Dumbarton Oaks Proposals, its most serious difficulties arose with . . . maintenance of peace and security. The enforcement aspects of the chapter were accepted without debate. The only point left unsettled was whether a specific reservation of the right of self-defense should be included. As this was agreed to be an inherent right of sovereignty, not deniable by the projected Charter, there was no controversy on the principle. The question, as it had earlier confronted American officials, was whether attempted definition would not defeat the very end desired by making possible a restrictive interpretation of the principle. The issue was left open. . . .''

Later the U.S. delegation had ''acrimonious'' debates about how to protect the right of the U.S. to engage in collective self-defense in the Western Hemisphere in the face of a ''Great Power'' veto. This passage is from Senator Vandenberg's diary:

''[John Foster] Dulles argued that there is nothing in Dumbarton Oaks which prohibits 'self-defense' and that under the Chapultepec agreement 'self-defense' in the Western Hemisphere is a partnership affair and that the Monroe Doctrine is still part of it. I served notice on the Delegation, as a matter of good faith, that if this question is not specifically cleared up on the Charter, I shall expect to see a Reservation on the subject in the Senate and that I shall support it.''

A subsequent U.S. delegation statement of the U.S. position made it clear that states must be free to take action if the Security Council is frustrated by the use of the veto: ''if any one of the Great Powers with a veto in the Security Council abuses its power . . . the Organization will have broken down and all states would then be free to take protective action.''

When the U.S. finally proposed that there should be a formal recognition of the 'inherent'' right of self-defense in order to protect its rights in the Western Hemisphere, the official U.S. position—endorsed by President Roosevelt—was explained as follows:

''Should the Security Council not succeed in preventing aggression, and should aggression occur by any state against any member state, such member state possesses the inherent right to take necessary measures for self-defense.''

Ruth Russell explains that an express reservation on this point was in part necessitated because the delegation ''faced a very practical problem in getting the treaty through the Senate.''

The British proposal on Article 51—which is very close to the final version—makes even more clear than the final text that the Security Council must act and act effectively if other states are to be expected to defer to it:

''Nothing in this Charter should invalidate the right of self-defense against armed attack, either individual or collective, in the event of the Security Council failing to take the necessary steps to maintain or restore international peace and security.''

Interestingly, two of the last three paragraphs in Russell's 965-page history of the Charter concern the inherent right of self-defense. She was writing in 1958 and the ''Great Power'' veto had, of course, become very much a problem:

''Responsible American officials assumed, it can be said with more accuracy, that if the desired cooperation did not materialize, a serious great-power split would probably lead to another world war, with or without the United Nations. Even if the Council could not guarantee the peace, they also pointed out, it could make clear the record. And as the Charter in no way abrogated the right of self-defense, which no nation was prepared to relinquish, action against aggression could still be taken outside the Organization. This was always an implicit assumption of American officials, although it was not made explicit until the San Francisco Conference.

''There the right was recognized in Article 51, in both national and collective terms. If, therefore, the United Nations machinery for any reason could not function to maintain international peace and security, national power could be mobilized by the states on a regional or some other joint basis. The decisive factor, in that case, would be the willingness of other states to act against the recalcitrant state even at the cost of war. What experience has shown is that the desire to support such drastic action against disliked policies and countries is never as widespread as the willingness to condemn them. This was as true in the autumn of 1945 as it has been under the United Nations.''

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, does the Senator from New York require more time?

Mr. MOYNIHAN. I would only say the same thing over and over again. The right of self-defense—individual, collective—is inherent and in no way depends on the approval of the Security Council or the General Assembly or any other international body.

Mr. WARNER. Mr. President, I think he has very clearly stated his message.

Under the current unanimous-consent request, there are 3 minutes for the Senator from New Jersey.

Mr. President, I yield such time as to make that 5 minutes, 2 minutes additional.

To inform other Senators, that results in the expiration of the time under the control of the majority leader.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank the Chair. I thank our colleague from Virginia for his graciousness in permitting me these 5 minutes. I know everybody is pulling at him, and I do not want to use any more time except to thank him for that.

Mr. President, if any of us were fence sitting or had doubts about what it was that we were witnessing, I think each day that has gone by in recent weeks has further confirmed that we no longer can stand idly by, that we must take action as befits our status as an international leader in terms of morality and humanity, a country that supports human rights almost above all else. Our very Constitution is based on law. And when we stand by idly, which we are being forced to do by the cowardice of our allies, then I think we become coconspirators, whether we like it or not.

Mr. President, as recently as this morning, we saw something that kind of confirms what the distinguished Senator from New York just said.

In a report from Brussels, the New York Times writes that:

> The allies agreed to make what one NATO official called a ''strong recommendation'' to Mr. Boutros-Ghali to leave it to his military field commanders on the ground in Gorazde and elsewhere to decide when the time has come to start bombing the Serbs if they attack. But since Mr. Boutros-Ghali has been extremely cautious about approval of airstrikes in the past, what was meant to sound like a roar in London 4 days ago appeared to have been throttled down to something more like a growl by the NATO Ambassadors.

That is the situation. But the killing does not stop. The attacks do not stop. The barbarism does not stop. And if one had at all any sense of rights, when you read the stories about what happened in Zepa and what happened before that in Srebrenica, where a woman was forced to drink the blood of her 16-year-old son after his throat was cut, barbarism of the most primitive and cruel fashion, we cannot stand by and permit that to happen.

Mr. President, last year, we gave a deadline of November 15 for our allies to get themselves together so that we could move multilaterally. What happened? Since then hundreds, thousands more have been killed, thousands abused, and more territory taken by the rogue government of the Bosnian Serbs—total disdain for world organization, for rules, for humanitarian conduct among people. It is shocking to see, and we ought not to permit it to go on any longer.

Now, I know, Mr. President, that we are embarking on a shaky course, but

not to do anything is a far shakier course. And certainly coconspiring with the Bosnian Serbs to say that we will talk ourselves into the ground while you kill the Bosnian people, separating men from women, families, brothers from sisters, is terrible. It is terrible. And there is not a person here who could witness a crime like that taking place and not intervene at one's own peril—no one. No decent human being could walk by and permit that to happen.

Mr. President, yesterday I had a conversation with the Prime Minister of Bosnia, and I asked him the perennial question that seems to exist now, and that is: Are you not afraid that larger forces will come in and bring even more devastation? And he said, ''Ask the 5,000 missing in Srebrenica whether or not they were afraid of more power coming against them.''

Mr. President, he is not asking for much. He is asking for us to give them a chance to fight back, to untie the hands from behind their backs and give them the weapons necessary to defend themselves, as the Senator from New York so articulately stated just a couple of minutes ago.

It pains me to make this kind of a decision because we are going down a path we are not sure about. There is one thing I am sure about. I for one cannot permit the killing to take place, the barbarism to continue, without speaking out against it in a way that has significance.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to say to my distinguished colleague from New Jersey that was a very powerful statement, and I hope it can be clearly understood and accepted by all. I certainly join him in his observation and very much respect his support of this important measure now before the Senate.

Mr. President, it is my understanding that would consume all the time under the control of the majority leader.

The PRESIDING OFFICER. The time under the control of the majority leader has been consumed.

Mr. WARNER. I yield the floor.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Connecticut.

Mr. LIEBERMAN. Noting the absence in the Chamber of any colleagues wishing to speak on the other side, I rise to say a few words with the understanding that as soon as or even before I see someone else who wishes to speak, I will yield the floor.

Mr. President, this has been, since we began it yesterday afternoon at 2:15 p.m., a very important, very serious, very heartfelt debate, and I thank my colleagues for, no matter which side they are on, appreciating the seriousness of what we are doing here and for reflecting that seriousness in their remarks.

I just want to say a few words in closing. Of course, Senator DOLE will speak in leader's time a little bit later.

No matter what any of those in opposition to the proposal that Senator DOLE and I and others of both parties have made, no matter what arguments have been made—that it would cause bloodshed, it would Americanize the war, it would do offense to our allies, all of which arguments I feel we have rebutted—one thing stands out. No one has come to the floor of this Senate to say that the arms embargo is justified or should stay in place. No one has supported the arms embargo. Everyone who has said they will be voting against our measure to lift the arms embargo will do so because of their fear of what might happen—the war might be widened; it does not give a proper opportunity for the London communique, as flawed as Senator WARNER and I indicated we believed it was earlier in the morning, or did not give time for the London communique to go into effect. But I have not heard anyone come here and justify the arms embargo, because it is unjustifiable.

As Senator MOYNIHAN said, in what might be called an articulation of a natural rights theory of international law, quite valid, to suggest that this is a right of self-defense that must be granted or can be taken away by an international body is wrong. It is conveyed as a right under the charter of the United Nations. I would say under any theory of natural rights that people have individually or acting collectively. Again, remember that it was imposed in 1991 on Yugoslavia, which no longer exists, on the premise that it might help stop a war from breaking out because it would keep weapons from pouring into that area, encouraged—in fact, requested by Milosevic in Belgrade. Why? Because he knew he had a monopoly of the weapons and munitions, supported by a well-meaning world. But what was its justification to support it after war broke out, and after the Serbs invaded Slovenia, Croatia, Bosnia and began to kill and remove from their homes hundreds of thousands of people, millions of refugees? This is an illegal act. It is an immoral act, and has consequences on the victims. And it is invalid.

Some have said if we lift this arms embargo, what about the other international policies of sanctions against Iran and Iraq and Libya? Is any Member of the Chamber prepared to compare the behavior of Iran to that of the Bosnian people or Libya to Bosnia or Iraq to Bosnia? And in every other one of those cases, those nations violated international law, international norms. The Bosnians have done no such thing. And they have been the victims of this embargo. Just think if anyone stood up today, the embargo had not been in effect since 1991, and proposed an arms embargo on the nations in the former Yugoslavia, no one would support it. It is so self-evidently unfair, and unfortunately in its consequences brutally deadly.

So, I take some heart from the fact that the opposition to the proposal that we have made to lift the arms embargo has not featured anyone saying that the embargo was or is justified in their feature arguments of what might happen if the embargo was lifted.

Does the Senator from North Dakota wish to speak?

Mr. DORGAN. Let me, Mr. President, if I might. I would like the ask the Senator from Connecticut to yield for a question.

Mr. LIEBERMAN. I would be glad to.

Mr. DORGAN. I have been enormously torn by this issue. Much of what the Senator from Connecticut and the Senator from Kansas and others have expressed on the floor is real anguish. There is real anguish about, I think, a moral problem confronting the world with respect to what is happening in the Balkans. I know there has been a lot of criticism on the floor that the current policy does not work, the President does not have a policy, and so on.

Frankly, I have not heard anyone else on the floor express what policy they would work in the Balkans. This resolution, as I understand it, is a policy that simply says lift the arms embargo. That is not, of course, a policy to end the war. It is a policy, as the Senator from Connecticut describes, to try to even the odds. But to those who say there is no policy, I would say that I am very anxious to hear, what do they think will solve this problem in the Balkans?

What is happening there is grotesque. Unspeakable horrors are being visited upon innocent civilians. I read yesterday of Dutch observers, Dutch soldiers coming back who describe what is happening. And there are other reports from reputable sources. What is being visited upon the Bosnian Moslems can only be described as a horror. And we must care about that and deal with it and respond to it.

Yet I would ask the Senator this question. Here is what troubles me. We have not—the United States—put U.S. troops on the ground in the Balkans. I do not think we should. And I would not support us doing so. But other countries have. The British have. The French have. The Ukrainians have. The Dutch have. Other countries have put their troops on the ground in harm's way in that region.

It troubles me at this point for us, who have not put troops on the ground, and I do not think we should, to say to those countries who have, that we do not care what you think about the proper policy in Bosnia. This bill tells our allies that we do not care that you believe the arms embargo ought to continue. We will decide unilaterally that the arms embargo should not continue. That is what I am torn by. That is what I am troubled by.

Other countries have made a troop commitment on the ground. And they

still say they believe that we ought to act together on lifting the embargo. And they are not yet willing, as I understand it, to decide that the arms embargo ought to be lifted.

I wonder if the Senator could respond to this general question. How does one look at what our allies have done, that we have not done, and then respond that we can unilaterally decide on an arms embargo without caring what their position is?

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague from North Dakota. Actually, I have watched him as he has been listening to this debate. I have seen, because I know him, his own struggling and anguish about this. And I respect the seriousness with which he has gone out, and the sincerity and the relevance of the questions that he asks now.

Let me answer the two questions. In the first place, what is the policy? Who can offer a policy that will do any better than what is happened now? I will say to my friend, the policy that the Western World and the world has followed up until now, which is to send the United Nations into what I consider to be a mission impossible, to keep the peace where there was only war has not worked.

The London communique raised some hope that it might begin to work if the allies can get together and use their air power to give some meaning to the word ''safe'' as applied to safe areas. Right now they are the furthest things from safe. Combined with that the very weak and confused U.N. presence, the continued arms embargo, that has been the policy up until now.

I judge that to be a failure. It has not stopped Serbian aggression and not stopped the suffering of the Bosnian people and it has done terrible damage to the credibility of the United Nations, NATO, and unfortunately the United States.

The alternative policy, the preferable policy, which is in part implemented by the proposal that we will vote on in awhile, is the so-called lift-and-strike policy that in fact President Clinton adopted in the 1992 campaign and carried with him into 1993 and to the Presidency. He was frustrated in his desire to implement that lift-and-strike policy in the spring of 1993 when our allies in Europe refused to go along.

So what we are asking in putting this proposal here is to begin to finally, though the hour is late and ever more difficult in Bosnia, to implement the lift-and-strike policy. Lifting through this action and striking hopefully through the broadening of the measures agreed to and the toughening of the measures agreed to in the London communique.

Mr. DORGAN. If I might ask a question about that point. That suggests somehow that the strategy of dealing with the conflict in Bosnia is to rely on air power. And I tell you, I have been in meetings where Colin Powell, when he was Chairman of the Joint Chiefs of Staff, and others described for us how air power might be used in the Balkans. It is a much different circumstance than using air power in the desert, where folks would run their tanks out into the middle of the open desert and we would send airplanes over to bomb the tanks. I wonder whether the Senator believes that air power eventually is what is going to resolve the conflict in the Balkans?

Mr. LIEBERMAN. No. I agree with Senators and others who have spoken that air power can help but never decide the conflict. But when combined with the considerable Bosnian military force on the ground, finally fully armed, I think it is a winning combination.

I say to my friend I note the presence on the floor of the Senator from Georgia. I do not want to impinge on his time. I would simply answer the second question raised about the troops on the ground and the allied nations that I hope that the U.N. mission can be fortified as a result of the London communique. I am doubtful based on the conflicting messages that have come out of late, but it does seem to me the lifting of the embargo does stand separately because it is an illegal and invalid act and it can stand alongside the continued presence of the U.N. troops.

However, responding to concerns expressed, I think appropriately, by the Senator from Georgia and others, Senator DOLE and I made a substantial change in the proposal to lift the arms embargo from the measure we introduced last year to say the embargo would not be lifted until the allies on the ground had the chance to exit if, in fact, they chose to exit.

I will say finally, as the Senator from North Dakota considers how to vote, it seems to me—and I must say of all the reasons given for voting against our proposal, the one that has most profoundly troubled me is the suggestion that it would cause more bloodshed. Here I think we owe it to the victims, those who have shed their blood, to listen to them and not to make a paternalistic judgment for them about what may be better for them. They are the ones who have suffered.

I close, finally, with words from a letter of Prime Minister Silajdzic of Bosnia, who said:

> Our people ask that we be allowed only our right to defend ourselves. It is on their behalf that I appeal to the American people and Government to untie our hands so that we may protect ourselves. The slaughter has gone far enough. My people insist that they would rather die while standing and fighting than on their knees. In God's name, we ask that you lift the arms embargo.

I thank the Chair and yield the floor.

Mr. NUNN. Mr. President, I do not want to interrupt my friend from Connecticut. I do want to get started on my remarks. I understand I have 20 minutes.

The PRESIDING OFFICER. A little under 20 minutes.

AMENDMENT NO. 1848

Mr. NUNN. Mr. President, I would like to begin my remarks by briefly reviewing the history of the Bosnian debate that has taken place in the Senate not over the last 3 or 4 years, but over the last 12 months.

As most Senators will recall, last July during the consideration of Department of Defense Authorization Act for fiscal year 1995, the Senate debated two competing amendments. One, sponsored by Senators DOLE and LIEBERMAN, would have unilaterally lifted the arms embargo upon the request of the Bosnian Government. The other, sponsored by Senator Mitchell and me, expressed the sense of Congress that there should be a multilateral lift of the arms embargo.

I know it has been pointed out, but the Dole-Lieberman amendment we now have before us is not a lift-first-then-leave policy; it is a leave-first-and-then-lift policy, and that point needs to be emphasized. This is not the same Dole-Lieberman amendment we had last year.

The Dole-Lieberman amendment last year failed on a 50 to 50 vote, and the Mitchell-Nunn amendment was adopted on a vote of 52–48. Later, on the Department of Defense appropriations bill, another vote was taken, and the Dole amendment was adopted and the Mitchell-Nunn amendment was adopted again.

During the House-Senate conference on the authorization bill, with both of these amendments on the authorization bill, the House bill had a unilateral lift provision that passed by a significant margin in the House. The Senate bill had the Mitchell-Nunn provision I already described. The compromise provision, worked out during conference, stated as general United States policy that the United States should exercise leadership within the international community to cause the Bosnian Serbs to accept the contact group proposal. It also called for such leadership to be taken on three separate, but complementary tracks, as follows, and these are important as background for this vote today:

First, there was an international track policy that if the Bosnian Serbs did not accept the contact group's peace proposal by October 15, 1994, the President should formally introduce and support a resolution within the U.N. Security Council to lift the Bosnian arms embargo multilaterally. The provision was not mandatory because the President wrote to the conferees committing his administration to introduce and support such a resolution in the Security Council. The administration did as they committed they would do to the conferees, but they did not press the resolution to a vote because they determined that it would not pass.

The second part of the provision in that authorization bill, a compromise between the House and Senate, was a

unilateral U.S. policy track. It provided that if the U.N. Security Council did not lift the Bosnian arms embargo, then, first, no funds could be used to enforce the arms embargo on the Bosnian Government other than as required of all U.N. member states, and that has been the law since last year. We have not been enforcing the embargo according to the law. We have been respecting it, not enforcing it, with our money and with our forces.

Second, the President shall submit a plan to and consult with the Congress on the manner in which U.S. Armed Forces and the forces of friendly states would provide training to the Bosnian army outside Bosnia.

And, third, the President should submit a plan to consult with the Congress regarding the unilateral termination of the Bosnian arms embargo and the implications thereof.

The third and final part of last year's authorization bill, which I think perhaps was its most relevant part to where we are now, was an interim policy track. It provided that if the Bosnian Serbs attacked any safe areas, the President should promptly, formally introduce and support in the U.N. Security Council a resolution that selectively lifts the Bosnian arms embargo in order to allow the provision of defensive weapons, such as antitank weapons, counter-battery radars and mortars, to enable the Bosnian Government to defend the safe areas.

Mr. President, to my knowledge, the Clinton administration did not introduce a resolution in the U.N. Security Council to selectively lift the Bosnian arms embargo when the Bosnian Serbs attacked and overran the safe areas just recently. I consider it unconscionable for the United Nations protected safe areas to be overrun, with the Bosnian defenders being unable to defend because they are denied defensive weapons, and the United Nations is unwilling or unable to defend these safe areas. We declared that policy last year in the authorization bill. We gave the President congressional instructions, short of a mandate, but instructions as to what should be done. It has not been done.

The United States, our allies, and the United Nations have reached the point in Bosnia of making a fundamental change in policy or beginning to withdraw. A continuation of the present policy is a prescription for continued tragedy on the ground in Bosnia and continued erosion of U.N., NATO, and United States credibility in Europe and throughout the world.

The Clinton administration favors the continued presence of the U.N. forces in Bosnia, as well as a vigorous use of NATO air power to save the remaining safe areas. But a number of fundamental questions about this strategy remain unanswered.

First, have our NATO allies truly signed on to a substantial and decisive use of air power, hitting lucrative targets, if Gorazde is attacked?

Second, is NATO willing to continue its air attacks as required, even if hostages are taken or the Serbs begin killing substantial numbers of U.N. personnel?

Third, are we protecting only Gorazde or are other safe areas included? If not, what does the term ''U.N. safe area'' mean at this point in time when two have fallen and only one is clearly designated as being protected? Will the United Nations divide safe areas into three classes—fallen safe areas, about-to-fall safe areas and safe-safe areas? It appears that is taking place.

Fourth, does the so-called dual-key arrangement remain in effect? This morning's New York Times reports from Brussels that British and French officials in NATO really do not want the United Nations to give up its dual key. If accurate, this would directly contradict the administration's understanding and explanation of the London conference.

Fifth, if NATO and the United Nations really intend vigorous airstrikes, why are U.N. personnel not being moved out of harm's way, both as a protective measure and as an indication of the dead seriousness of NATO's new resolve?

Sixth, if there is an allied diplomatic strategy to go along with its London policy, what is it? I have not seen it.

Will the United States continue to insist on a just settlement—I put those words in quotes because they have been used so many times in both editorials and in debate—insist on a just settlement to the conflict, but also remain unwilling to commit American resources for a just settlement and remain unwilling to admit that there will never be a just settlement unless the United Nations and NATO are willing to impose it by force?

That question is not simply for the administration, but for many in Congress, for many in the news media that keep talking about a just settlement but never, ever, complete the logic that it requires the use of force to impose it. Otherwise, it is not going to happen. And the use of force is most likely going to have to be outside force, including U.S. force.

Mr. President, these open questions make it clear to me that the United Nations, the NATO policy, and the U.S. Government altogether have no coherent strategy regarding Bosnia.

To many Members of Congress, the Dole-Lieberman proposal is more attractive than the current policy, primarily because it has not yet been tried and tested. This proposal also is far from complete or coherent. It has taken on a very large and, I believe, exaggerated significance, both by its supporters and by its critics, and many of its critics continue to describe it as it was last year without acknowledging it has changed.

A number of key questions are not answered or even acknowledged by the Dole-Lieberman proposal that we will vote on this afternoon. I will add quickly, that both Senators DOLE and LIEBERMAN have addressed some of these policies in their oral statements.

Most of these are not in any way part of this deliberation, because they are not going to be voted on. It is not in the proposal.

First, there is a large question that must be answered by the supporters of the Dole-Lieberman proposal, which encourages U.N. withdrawal—and when we vote on it today, that is what we will be doing. We will not mandate. We will be encouraging it. We will be giving an incentive.

Are the supporters prepared to back President Clinton's public commitment and private commitment to assist in the U.N. withdrawal with U.S. ground forces, if required? We are calling for the withdrawal. The President has said we will help the withdrawal, if it takes place, with ground forces, if necessary.

But we ignore that question. We act like it does not exist. We act like that is not even part of the equation, if we can simply vote on the part we like here—lifting—but not face the implications of the part we do not like; that is, U.S. ground forces committed. The Dole-Lieberman proposal's silence on this point, I am afraid, speaks loudly to the world.

Second, will the United States furnish equipment like artillery, tanks, and antitank weapons when the embargo is lifted? If we will not do it directly, will we help facilitate that delivery? Will the allies also lift the embargo? If they continue the embargo, will we forcibly break the embargo by delivering equipment? Will Russia unilaterally lift its embargo on Serbia, as it has said it will do over and over again? If that is the case, will there be a net gain for the Bosnian Government?

Third, and perhaps more importantly, will the United States help train the Bosnian forces, or at least help facilitate the training? Training is needed more than equipment. Equipment is part of the equation, and an important part, but training is sadly lacking. It has to take place. Someone has to do it. When will it take place? Where will it take place? Who will do it? Will the United States help?

Silence on this key set of questions is what we have, and what we will be voting on. Silence.

Fourth, do the authors of the Dole-Lieberman amendment envision defensive or offensive equipment flowing to Bosnia, or both? Understandably but unfortunately, in order to secure votes for passage of the Dole-Lieberman amendment, it addresses these key questions—training, supplies, equipment—it addresses these key questions only by silence, plus one paragraph. That is a negative paragraph on page 5, section 4(e) which states as follows:

> Nothing in this section shall be interpreted as authorization for deployment of United States forces in the territory of Bosnia and Herzegovina for any purpose, including

training, support, or delivery of military equipment.

That is what this says. We are not going to help them with training. We are not going to help them with equipment. We have no authorization. We will not let any American forces on the ground. All of this somehow wondrously is supposed to take place.

Fifth, considering the implication of this paragraph, who will provide close air support to protect the few remaining safe areas when the U.N. forces begin pulling out, as envisioned by the Dole-Lieberman bill? Who will have the forward air observers on the ground to designate targets for our aircraft if the United States conducts airstrikes to protect against Bosnian Serb offensives? And as the United Nations starts pulling out—and it will take anywhere from 7 weeks to 22 weeks—and the Bosnian Serbs go on the offensive, and there are no close air observers there plugged in, with training, with NATO equipment, how are we going to have airstrikes that go after targets unless they are fixed targets? We can go after fixed targets, but what about the moving targets? Believe me, those on the attack will be moving. Will we ask for British and French to provide the protection while the United Nations is pulling out prior to the lifting of the embargo and the necessary weeks of training of the Bosnian forces?

Again, these are unanswered questions.

Mr. President, I feel the Senate is faced with a choice between two incoherent policies. In these circumstances, our Nation would be better off if we made impassioned speeches and avoided passing a law.

The Dole-Lieberman amendment does not face up to the reality of the situation on the ground where the Bosnian Serbs occupy between 70 and 80 percent of the territory in Bosnia and have a decided advantage in heavy weapons.

Mr. President, I pointed out many flaws with the current policy and with the Dole-Lieberman proposal. Even with these flaws, however, in the legislative proposal, the Dole-Lieberman bill is much improved over the earlier provisions.

It has been mischaracterized by the administration, our allies, and the U.S. press. Yes, it requires a unilateral lifting of the Bosnian arms embargo, but it does so only after the U.N. forces are withdrawn from Bosnia. It does not mandate that UNPROFOR withdraw from Bosnia. It places a responsibility upon the Government of Bosnia to make the difficult choice of requesting that the United Nations withdraw its forces, with all the attendant consequences, including the loss of humanitarian relief supplies, of such a withdrawal.

This is not going to be an easy decision for the Bosnian Government.

The Rapid Reaction Force, consisting of our French, British, and Dutch allies, has deployed to the Sarajevo area with the intention of countering Bosnian Serb attacks on U.N. forces there, including those U.N. forces who are escorting humanitarian relief convoys.

NATO is apparently determined to conduct robust air action to counter the Bosnian Serbs' attack on Gorazde, a determination that will hopefully be extended to other safe areas, Bihac and others, if necessary.

If these actions are carried out successfully, and if this bill is ultimately enacted into law, the Bosnian Government will be faced with a very difficult decision, a difficult decision that I do not believe we can predict with certainty.

One choice they will have is to keep the United Nations in Bosnia, which means a continuation of the effort to protect the flow of humanitarian relief supplies to the Bosnian people and some degree of protection for at least the safe area of Gorazde and perhaps Sarajevo.

The other choice the Bosnian Government will face is to have the U.N. forces withdrawn and have the arms embargo lifted by the United States after the U.N. forces are out of Bosnia, which may —I say may—result in their acquiring more heavy arms and equipment and may result in a continuation of air defense and airstrikes by the United States or some other nation.

Mr. President, there have been assertions over the last week or so that various actions will Americanize the conflict in Bosnia. I think those who say that about either the current policy or the Dole-Lieberman amendment are accurate. In my view, with either policy choice we are given today, there is a danger that the conflict will increasingly be Americanized.

Mr. President, neither the current policy of the United Nations and NATO, nor the Dole-Lieberman approach, in my view, are coherent policies.

The administration has worked diligently in the last few days to bring about change in the current policy in Bosnia. It has fallen short of the mark.

Mr. President, the United States, our allies, and the United Nations have reached a critical juncture in Bosnia. I believe that the actions of UNPROFOR, particularly the actions of the Rapid Reaction Force to ensure the delivery of humanitarian relief supplies to the people of Sarajevo, and the actions of NATO to deter or, if necessary, repel attacks on Gorazde, and hopefully the other remaining safe areas, will in the final analysis, determine the outcome of the Dole-Lieberman amendment. Not only the outcome as to whether it becomes law, but what happens if it does become law, and what the Bosnian Government does when the ball is in its court.

When this bill passes, it will probably be accepted by the House of Representatives and sent to the President in the next few days. The President will undoubtedly, as he said, veto the Dole-Lieberman bill, and Congress will vote whether to override the President's veto.

Mr. President, in spite of its flaws, I will vote for the Dole-Lieberman bill today even with all of its defects, as a way of expressing my strong feeling on two key points: First, the current U.N.–NATO policy in Bosnia is a failure and, without dramatic change, will continue to erode the credibility of the NATO alliance and the United States worldwide; second, the ability of the Bosnian Serbs to overrun the so-called safe areas without the United Nations taking decisive steps to prevent that, and the commission of unlawful acts in capturing the safe areas and in mistreating innocent civilians by the thousands clearly demonstrate that the continuation of the arms embargo is both untenable, immoral and unjustified.

Mr. President, this embargo should be lifted the way it was imposed—multilaterally, and, in the final analysis, unilaterally, if absolutely necessary. It is my hope that the Nunn amendment, which will express that order of priorities, will pass when it is voted on in a few minutes, because it makes it clear that even though the odds are against the Security Council lifting the embargo multilaterally, we ought to at least try to get it lifted multilaterally before we do so unilaterally. Otherwise, we will truly meet ourselves coming back, in terms of our embargo on Iraq, Libya, and perhaps other places in the world as events unfold.

Mr. President, I believe that, even after this bill passes and after it goes to the President and after it is vetoed, if it is, I believe that all of us—whichever side of this argument we are on or where we have been—need to carefully review the developments on the ground in Bosnia, and particularly the performance of the United Nations and NATO in the coming days.

I will decide and I will cast my vote on the inevitable question of overriding the President's veto, based upon these events that will unfold.

Mr. President, I yield back any remaining time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I certainly wish to express to my good friend and colleague of these many years my own appreciation for his supporting the underlying measure by the distinguished majority leader and the Senator from Connecticut. The Senator from Georgia and I have worked in this arena for many, many years together. I have always had a profound respect for his ability to get right to the heart of an issue and to express, irrespective of politics or partisan issues, what he thinks is in the best interests of the country. Again, I appreciate his joining here today.

I would like to see if I could clarify one part of my colleague's remarks. He addressed the rapid reaction force,

which today is reported to be taking positions in the Sarajevo area. If I understood the Senator, he felt how they carried out that mission might well have a very strong bearing on the future of this legislation.

Mr. NUNN. That mission, as well as protecting the other safe areas as designated, as well as enforcing the other mandates that have thus far been rather ineffectively enforced; not solely that issue but including that issue.

Mr. WARNER. But as I look through the press reports and other information that is available to the Senate, it is not clear to me the extent to which those rapid reaction forces augmenting the UNPROFOR forces in Sarajevo will be used for any mission other than protecting the UNPROFOR forces in the carrying out of the mission, namely of delivering food, medicine, and the like to that area.

Is it the Senator's understanding that they would participate in the protection of the civilians if it is unrelated to the mission of UNPROFOR?

Mr. NUNN. I say to my friend from Virginia, I am not clear on that point. I do not know that there is a clear policy.

Obviously, if you keep the road open, as those forces are pledged to do, that helps the humanitarian mission of getting the supplies through. Whether they would respond to artillery shelling of the city if it does not hit U.N. personnel, I do not have an answer to that. It seems to me, when you have a safe haven and that safe haven is being grossly violated, if it means anything at all it ought to be enforced. But I do not have the knowledge to speak to what their intention is at this point in time.

Obviously, the United States does not have forces there and this would be a decision made by the United Nations and by our allies who have forces on the ground.

Mr. WARNER. Mr. President, that is my understanding, that it is certainly unclear at this point in time the extent to which they would engage in retaliating or defending or whatever word you wish to use, against these prolonged, continuous attacks on the Bosnian Serbs. I just hope the Senate, indeed others following this debate worldwide, do not attach too much significance to the presence of those rapid reaction forces until such time as we have a much clearer idea as to their mission and their capabilities of carrying out that mission.

This is a relatively small number of combat arms that are being placed in that area by the rapid reaction forces; in comparison to the order of battle, after the Bosnian Serbs.

Mr. NUNN. I say to my friend from Virginia, he may be right on that. I think we will have to wait and see how the events unfold.

Mr. THURMOND. Mr. President, I rise in support of the Nunn amendment to the Dole-Lieberman substitute to S. 21. The Nunn amendment recognizes that it is the Bosnian Serbs who have rejected the agreement reached by the contact group. The amendment also places the responsibility of seeking a multilateral lift of the arms embargo on the administration. Failing an agreement of the U.N. Security Council to multilaterally lift the arms embargo, the United States has no alternative but to unilaterally lift the arms embargo, pending a withdrawal of UNPROFOR.

The PRESIDING OFFICER. The Democratic leader is recognized for 10 minutes.

Mr. DASCHLE. Mr. President, we are about to vote, and I would like, simply, to summarize, as best I can, the situation as many of us understand it to be this afternoon.

As we begin, I think there is much about which there is complete agreement. We all agree that the current situation is horrifying—the ethnic cleansing, the violence, the violation of human rights, pictures on television, all of which we believe we simply should not tolerate. We all agree that the status quo is untenable. Zepa fell yesterday, and there continues to be Serbian aggression in areas throughout Bosnia that we are simply unwilling to accept. We all agree that lifting the embargo is desirable. And we agree that the Bosnians ought to be able to defend themselves. We agree on all of those points. I do not think there is a Senator in the Chamber who would disagree on any of that.

The issue before us is not a question of if we lift the embargo, but how. How do we lift it so we can enable the Bosnians to fight for themselves but protect our other vital United States interests as well? That is the issue.

We have a number of specific questions relating to this embargo that go beyond enabling the Bosnians to help themselves, and on that issue, the question of how we keep in balance, in proper perspective, all of these various aspects of the decision. I am afraid our decisions are being driven as much by emotions as they are by the facts, as they are by the cool consideration of the consequences of lifting the embargo unilaterally this afternoon.

That is understandable. We see the Serbian atrocities and we want to respond. We see a one-sided war spreading day by day, and by all that is right we want to scream, ''Enough. Enough.'' We want to be able to help in some way, because all too often countries have stood by while atrocities of this kind have been perpetrated. And we want no part of that.

We are united by that outrage, by that contempt. We are united by the resolve to do something more. And I understand that, as does every Senator in the Chamber this afternoon.

What divides us, what really divides us, is how best to transform resolve into action. Really, the question is, as we try to come to some agreement as to what our action ought to be—the question is, do we give NATO and the United Nations one more chance to succeed? Do we give them one more chance to act to stop Serb aggression before we lift the embargo? Or must we lift it right now, unilaterally?

The President has made himself very clear. The President has urged us to give our united efforts that chance. The President has urged us to recognize the purpose of our alliances, to demonstrate our commitment to multilateral efforts. How many times have we said to the United Nations and to other members of the world community: We need your help. We need your cooperation. We need your participation?

How many times did we send people to Britain and to France and to countries all over the world during the Persian Gulf war saying, ''Help us, this is a united effort''? How many times did we go to other countries and say, ''We have to put some constraints on Libya, or on Cuba''? And will we, at some point in the future, go to our allies and say, ''We need your help with North Korea, with China''?

That is what the President is asking us to bear in mind as we make the decision we must this afternoon. The choice is clear. Recognizing our desire to lift the embargo, do we give this effort another chance, recognizing that progress has been made in the last few days? Recognizing that, at some point, time does run out, do we allow them the opportunity to demonstrate, with whatever resolve we can muster, that in the remaining weeks before winter sets in that we use all of the muscle, all of the force, all of the resolve that we in a united way can muster, or face the consequences of unilateral action which could lead this country to great peril and, frankly, to very disturbing precedents?

A unilateral lift means in large measure unilateral responsibility. A unilateral lift means accelerated deployment of U.S. forces, and on that there can be no question. If we lift, they leave. If we lift, we help them leave. If we lift, we are there, and the action spreads. And then what? A unilateral lift means the possibility of the disintegration of NATO.

What do we tell our NATO allies, that this organization, which has stood now for 50 years—ironically we celebrated that anniversary this year—what do we tell them the next time they come to us or we go to them? ''Well, as long as everything is going OK, as long as it is comfortable for us, we will join you. But, you know, if things get rough, if we disagree with you, we have the right to say NATO does not matter anymore. NATO is not going to be an alliance. We are going to pick and choose for ourselves whether or not and when we want to be involved in NATO.''

Do we really want to send that message to our NATO allies? Do we really want to say NATO does not count? Do we really want to suffer the consequences of a disintegrated NATO

with all that is going on in Europe today?

A unilateral lift means the demise of other multilateral embargoes. Let there be no mistake about that either. I do not know how we tell our allies we still need them in the Persian Gulf, we still need them in Libya, and, by the way, we do not want you to send anything to Cuba. How do we say that with a straight face, Mr. President?

A unilateral lift could dramatically undermine our President and this country's credibility. If we roll over the President this afternoon, then what? ''Go out there, Mr. President. We are united, Democrats and Republicans. We want you, as the Commander in Chief and as the articulator of foreign policy, to go do your thing. We are just going to roll over you when we decide we do not like what you are doing.''

What kind of standing is this country going to have with all of the world? We have one President at a time. We have one Commander in Chief at a time. We have a State Department that we delegate responsibility to, to create foreign policy.

A unilateral lift, Mr. President, unfortunately may not even work; arms may not even get through. We are talking here about 3 months before anything actually reaches Bosnia. That assumes that we can get through Croatia, that the Croatian ports will be open, that the lines will be available to us. It means that somehow we have all that worked out but our allies, after we have ignored their pleas, are going to agree to end the embargo and allow our supplies to get through into Bosnia.

Then, what if arms are not enough? What if our allies have gone? What happens then, Mr. President? What happens when we find out 6, 8 months from now that this did not work, and our allies are gone and the horrific acts that we see on television right now are continuing? What happens then when the Bosnians come to us and say, ''We need your help; you have seen what we have seen on television, and we cannot tolerate this.''?

Will we send troops to stop the spread of the war to Macedonia or Kosovo, or, God forbid, Turkey or Greece? What then? Are we still going to make these courageous speeches about how horrifying and difficult it is for the Bosnians? Will we be willing then to rush to their support?

Mr. President, this is not a time to divorce ourselves from a united effort. Let us make a decision based upon what comes not only from our hearts but from our efforts as well. Let us vote ''no'' on this resolution.

I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. How much time remains?

The PRESIDING OFFICER. Ten minutes.

Mr. DOLE. Mr. President, as I understood last night we had about 15 minutes. I would be happy to yield 5 minutes to the Senator from Connecticut, Senator LIEBERMAN.

Mr. President, I have listened with great care to the distinguished Democratic leader, and I have a lot of respect for him. But I do not think the world is going to collapse if we do the right thing. That is what it is all about. NATO is going to collapse? Our allies are going to leave us? They are not going to leave us. We are the leader of the free world. But we have not acted like it in this instance. But we are. We did not act like it in the last administration—but we are—when it came to Bosnia.

So I am not as troubled about the world coming apart here, now, if the Senate does what it should have done months and months ago, and maybe a couple of years ago. This is not about rolling over the President. This is about the Senate of the United States. It is about Republicans and Democrats with a shared common view—and some on each side, I might add.

I believe we do not have many opportunities like this to sort of turn away from the historic failure and chart a new path for America. It does not have to do with the U.S. Senate. And I know it is a difficult vote for my colleagues on the other side with a President of their party. And I commend those who have stood up and said, ''We are going to do the right thing.''

This is not politics. This is not about President Clinton or President Bush or anybody in the Senate. It is not the Dole amendment or the Lieberman amendment. This is a message from the U.S. Senate, supported, I might say, by dozens and dozens of groups all across America. And without reading all the groups, the Action Council for Peace in the Balkans, Americans for Saving Bosnia, America Council for Public Affairs, American Jewish Conference, American Muslim Council, American Task Force on Bosnia, and on and on it goes.

Then the Action Council for Peace in the Balkans, represented by outstanding Americans, Democrats and Republicans, Morris Abrams, Frank Carlucci, Hodding Carter, Max Kampelman, Frank Fahrenkoph, Richard Burt, Zbigniew Brzezinski, Jeane Kirkpatrick, and that list goes on and on. Albert Wohlstetter, Paul Wolfowitz, John Silber, Albert Shanker—Democrats and Republicans, conservatives and liberals, who I guess believe the people have a right to defend themselves, even if they are a little, tiny country with no lobbyist running around the Congress. They will not be affected by what we did yesterday on lobbying reform. They do not have any.

We get long-distance calls, overseas calls, from the prime minister and the foreign minister, and they called yesterday. And as they were calling, they were telling us that Zepa was about to fall, and it did.

So it seems to me that what we ought to be doing here is the very responsible, right thing—a nonpartisan, nonpolitical, bipartisan message to the world, not just to Bosnia—that if you are an independent nation, if you are a member of the United Nations, as the Senator from New York so eloquently stated yesterday, you have a right to self-defense. You do not have a right to American troops. You do not have a right to American air power. You do not have a right to American anything. But you have a right to self-defense. And that is what this debate is all about.

We are a big country. They are a small country. And I guess it would be good if Bosnia would just go away. If they would just surrender, our problems would end for a while until somebody starts writing the history of this era.

It would be a stain on the West, almost. Well, maybe not almost. It would recall previous stains on the West when we stood by and watched the genocide in World War II.

Call it ethnic cleansing, call it anything you want. The Senator from Massachusetts, Senator KERRY, said we are going to abandon Bosnia. We are not going to abandon Bosnia. We are going to do what we have been told by their elected officials they want us to do, lift the arms embargo.

And again, I know that things do change. But I remember in 1992, candidate Clinton said lift the arms embargo and have air strikes; let us provide some leadership, he was saying to President Bush, who was fairly quiet on this issue himself. Lift the arms embargo. And I remember going to meetings at the White House in, I think, April and May of 1993. It was all for that purpose. The President was for it. The Vice President was for it. This Senator was for it. But I must say, there was a mixed group there, as we do have from time to time. We get mixed advice. The President got mixed advice that said: Do not do it; do not get involved.

This is an immoral and unjust policy that we have in effect now. They ought to take away the key from Boutros Boutros-Ghali, lock the door and throw away the key as far as he is concerned. They are not even certain yet; they are still debating whether or not we have the dual-key approach, whether anything can ever be done by NATO without U.N. approval. I think NATO is in difficulty because nobody can find a mission. Without a mission, why are they there? And they are troubled by this. I have been there. I have talked to them. And I have heard them all tell us the same thing: Do not lift the arms embargo. The U.N. protection forces are doing the best they can.

And they are, and they should be commended. Some have lost their lives. They are our friends and they are our allies. But we are the leader of the free world. We cannot abdicate that responsibility. We cannot abdicate that leadership and say, well, not this time; we want to pass on Bosnia. This is a

European problem. So we go along with the Europeans until it fails.

They tell all the Bosnians we are going to have these six nice safe havens for you. You give up your heavy equipment. You are not going to need it. This is safe.

So they give up their heavy equipment. Now they have rifles to fire against tanks and artillery weapons. And how many safe havens is it going to take to get anybody's attention? How many are going to fall? Two already, two more in danger, Sarajevo and Bihac. How many more—all? Four? Five? Six? And then suddenly we recognize that this must be a failed policy?

We have had a lot of activity in London and Brussels. We have had a lot of pounding the table and demanding the Serbs do this and do that, and they did it. They just took another safe haven. They are scared to death.

I was asked on a program last evening, and I do not mean it to sound like this, but I think the person asked the question, well, they are not killing as many people now so there must be something good coming out of it. And maybe the killing has been reduced as far as numbers. There were only 630 casualties in July, 130 killed. An average of 4 or 5 are killed daily, 12 and 15 are wounded, and last weekend 7 children were killed.

Now, does that mean we have to rush in and help everyone because we are the world's policeman? Absolutely not. But it seems to me—and I am not an expert in foreign policy—that this country ought to have a right through its elected leaders to say to us: It is time to go, U.N. protection forces. When they leave, lift the arms embargo and let us defend ourselves.

It always seemed to me that was sort of a basic right, an inherent right that all Americans enjoyed, and all Americans would defend somebody else's right to defend themselves or some nation's right to defend itself. And suddenly it is all mixed up.

The House, by a vote of 3 to 1, has sent the world a message. I know it is tough for the British, and it is tough for the French. I have talked to the Prime Minister, and I have talked to the President of France. They are our allies, and they are our friends. We have been their friends in tough, tough times, and we have provided the manpower and the money and the weapons.

Now, there have been a lot of efforts to muddy the waters and say, boy, if you do this, you are going to Americanize the war.

That is one I cannot fathom. I have talked to Senator MCCAIN about it. I do not know how you Americanize the war. If you withdraw the protection forces and lift the arms embargo, the Democratic leader said as sure as that happens, there are going to be American troops there.

Who said so? I assume the President would come to Congress. They are not asking us to die for Bosnia. They are asking us to give them a chance to defend themselves and they will do the dying for their country. They are not asking for American ground troops. Oh, they would like some air cover, but they are not even asking for that.

The amendment before us is very important. This amendment does not prohibit United States assistance to Bosnia, military or financial. I would say, since Soviet-style weaponry is the preponderance of what the Bosnians use, certainly we would not be providing the bulk of the arms. I think we can find some consensus if we pass this resolution and if a veto is overridden.

This amendment also does not prevent the United States from seeking a multilateral lifting of the arms embargo in the U.N. Security Council. I do not happen to believe that the amendment by the Senator from Georgia is necessary. I know he has offered it in good faith, just as he did offer an amendment last August in good faith, but I do not believe it is necessary. I do not think it detracts much from the resolution. It does not add much to the resolution.

On August 10, 1994, President Clinton sent a letter to the distinguished Senator from Georgia which stated:

> I am writing to reaffirm my administration's support for lifting the international arms embargo on Bosnia and Herzegovina . . . It has been my long-held view that the arms embargo has unfairly and unintentionally penalized the victim in this conflict, and the Security Council should act to remedy this injustice.

That was President Clinton's statement a year ago about lifting the arms embargo. The letter goes on to state:

> In this regard, if by October 15—

This was last year—

> the Bosnian Serbs have not accepted the contact group's proposal of July 6, 1994—

Which, I might add, the Bosnians did accept—

> it would be my intention within 2 weeks to introduce formally and support a resolution at the United Nations Security Council to terminate the arms embargo on Bosnia and Herzegovina.
>
> Further, as my administration has indicated previously, if the Security Council for some reason fails to pass such a resolution within a reasonable time, it would be my intention to consult with the Congress thereafter regarding unilateral termination of the arms embargo.

Those are all President Clinton's words.

I believe that 9 months is more than a reasonable time, with all the atrocities, all the things we have witnessed, as the Democratic leader said. I listened to the Democratic leader last night on C-SPAN, and I have listened to others. I listened to the remarkable statement made by the Senator from Delaware last evening, Mr. BIDEN, and many, many others on both sides of the aisle. I have listened to Senator WARNER from Virginia, who has had a different view of this issue up until now, and he has told us in very vivid terms why he now holds the view that a great majority do.

So I just ask the question, Is the leadership to say, ''Well, we've got a failed policy but we have to stick to it and we should not persuade our allies it is a failed policy''? It might be embarrassing for the British to have to leave, or it might be embarrassing for the French to have to leave. And America is going to be blamed if they leave. We are being blamed right now. We are being blamed right now, but, as I said, we may be blamed more in the history books for what did not happen.

The opposition is also saying, the Dole-Lieberman bill will Americanize the war—America will be alone in providing assistance to the Bosnians.

Mr. President, that is simply not the case. We know that most of the members of the United Nations support lifting the arms embargo on Bosnia. Going first does not mean going it alone.

Mr. President, finally, the opposition to Dole-Lieberman is saying that this bill abandons Bosnia. In my view, this is truly twisted logic. I believe that at this very moment the Bosnians feel abandoned. The issue is not how many troops are on the ground or how many planes are in the air, but what these troops and planes are doing. It seems to me that if they are doing nothing, the Bosnians feel abandoned. Let us face it, these forces are essentially bystanders as events in Srebrenica painfully demonstrated.

If we are worried about abandoning the Bosnians, let us listen to the Bosnians. Ask the Bosnians if they feel abandoned by this legislation. The truth is, the Bosnian Government strongly supports this legislation. They know the price they are paying. They know the price they are willing to pay.

In conclusion, I would urge my fellow colleagues to support this legislation. I would urge them to search their consciences. The U.S. Senate has the historic opportunity to make a difference. To do what is right. To let the Bosnians live defending themselves, rather than die defenseless.

Mr. President, I ask unanimous consent that a letter from over 40 organizations in support of this bill, along with a letter of strong support from Lady Margaret Thatcher be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JULY 25, 1995.

DEAR SENATOR: We are writing to urge you to vote YES on the Dole-Lieberman bill (S.21) to end the U.S. arms embargo against the Government of the Republic of Bosnia and Herzegovina. We also urge you to sign on as a co-sponsor of the bill and to recruit your colleagues as co-sponsors.

The war in Bosnia is now well into its fourth year. Over 200,000 civilians have been brutally murdered by Serbian forces, tens of thousands of women raped, and almost three million people have been forced to flee their homes and villages. Serbian forces have been able to carry out their genocidal assault on Bosnia with virtual impunity because of an immoral arms embargo that denies the legitimate government of Bosnia the means to exercise its inherent right to self defense.

The response of the United Nations to the aggression has been to send poorly armed

peacekeepers, even though there is no peace to keep. In recent weeks, Serbian forces have been allowed to overrun two of the six UN-declared ''safe areas,'' and the UN mission has approached total collapse. The lesson we must learn is that only the Bosnian Army has the will and the manpower to defend the fledgling multi-ethnic democracy and its citizens against further attacks.

It is also clear that ultra-nationalist Serbian leaders have no interest in negotiating while they can accomplish their military and political objectives by attacking Bosnia's remaining civilian population. Until the Bosnian Army can mount a credible defense on the ground, this cowardly war of aggression will continue. And we must live in the knowledge that, at least in part, we are responsible for tying the hands of the victims.

The organizations listed below represent a wide range of religious, humanitarian, student, and citizen advocacy groups. Some of the names will be familiar to you; others have been formed in recent months by voters outraged by the genocide and our feeble and immoral response to it. We have joined together today to ask for your support for the Dole-Lieberman bill. The U.S. and its allies, NATO, and the UN have failed to stop the aggression. Unless Congress acts—and acts NOW—thousands, perhaps tens of thousands, more innocent people will die and the price of eventually confronting this aggression will continue to rise.

By voting for Dole-Lieberman, you will be taking a clear stand against genocide, against aggression, against appeasement, and for an honorable and sustainable peace in Bosnia. You will be rejecting the failed policies of European countries that have facilitated more than three years of genocide. You will be voting for the one policy that makes moral, political, and military sense.

Vote Yes on the Dole-Lieberman bill.

Sincerely,

NATIONAL ORGANIZATIONS

Action Council for Peace in the Balkans.
American Committee to Save Bosnia.
American Council for Public Affairs.
American Jewish Congress.
American Muslin Council.
American Task Force for Bosnia.
B'nai B'rith.
Federation of Reconstructionist Congregations and Havurot.
Islamic Network.
Muslim Public Affairs Council.
National Association of Arab Americans.
National Federation of Croatian Americans.
National Jewish Community Relations Advisory Council.
Reconstructionist Rabbinical Association.
Union of American Hebrew Congregations.

GRASSROOTS ORGANIZATIONS

American Bosnian & Hercegovinian Association.
Americans for Bosnian Orphans.
Ann Arbor Committee for Bosnia.
Bosnia Advocates of Metrowest.
Bosnia Briefings.
Bosnia Support Committee of D.C.
Bosnia Task Force, San Diego.
Bosnia-Hezegovinian Help Organization.
California Coalition Against Ethnic Cleansing.
Coalition Against Genocide.
Coalition for Intervention Against Genocide.
Connecticut Citizens Against Genocide.
Free Bosnia Action Group.
Friends of Bosnia (W. Mass).
Friends of Bosnia, Philadelphia.
Greenwich Coalition for Peace in Bosnia.
Human Rights Council, USA.
JACOB at B'Nai Jeshurun.
Jews Against Genocide/NY Committee to Save Bosnia.
Jews Against Genocide in Bosnia.
New England Bosnian Relief Committee.
New Hampshire Committee for Peace in Bosnia-Herzegovina.
New York-Sarajevo Exchange.
Students Against Genocide (SAGE).
Social Action Committee/Congregation Beth El.
Stop Ethnic Cleansing.
U.S. Bosnia Relief.
Women in Islam.

MARGARET, THE LADY THATCHER,
O.M., P.C., F.R.S., HOUSE OF
LORDS, LONDON SW1A OPW,

July 18, 1995.

DEAR SENATOR DOLE: I am writing to express my very strong support for your attempt to have the arms embargo against Bosnia lifted.

I know that you and all members of the United States Senate share my horror at the crimes against humanity now being perpetrated by the Serbs in Bosnia. The UN and NATO have failed to enforce the Security Council Resolutions which authorized the use of force to defend the safe havens and to get humanitarian assistance through. The safe havens were never safe; now they are falling to Serb assault. Murder, ethnic cleansing, mass rape and torture are the legacy of the policy of the last three years to the people of Bosnia. It has failed utterly. We owe it to the victims at last and at least to have the weapons to defend themselves—since we ourselves are not willing to defend them.

The arms embargo was always morally wrong. Significantly, it was imposed on the (then formally intact but fragmenting) former Yugoslavia at that regime's own behest. It was then, quite unjustly and possibly illegally, applied to the successor states. Its effect—and, as regards the Serbs, its intention—was to ensure that the proponents of a Greater Serbia, who inherited the great bulk of the Yugoslav army's equipment, enjoyed overwhelming military superiority in their aggression. It is worth recalling that the democratically elected, multi-faith and multi-ethnic Bosnian Government never asked for a single UN soldier to be sent. It did ask for the arms required to defend its own people against a ruthless aggressor. That request was repeatedly denied, in spite of the wishes of the US administration and of most leading American politicians.

There is no point now in listing the failures of military policy which subsequently occurred. Suffice it to say that, instead of succeeding in enforcing the mandates the UN Security Council gave them, UNPROFOR became potential and then actual hostages. Airpower was never seriously employed either. The oft repeated arguments against lifting the arms embargo—that if it occurred UN troops would be at risk, that the enclaves like Srebrenica would fall, that the Serbs would abandon all restraint—have all now been proved worthless. For all these things have happened *and* the arms embargo still applies.

Two arguments are, however, still advanced by those who wish to keep the arms embargo in place. Each is demonstrably false.

First, it is said that lifting the arms embargo would prolong the war in Bosnia. This is, of course, a morally repulsive argument; for it implies that all we should care about is a quick end to the conflict without regard to the justice or otherwise of its outcome. But in any case it is based on the false assumption that the Serbs are bound to win. Over the last year in Bosnian army has grown much stronger and the Bosnian Serbs weaker. The Bosnian army has, with its Croat allies, been winning back crucial territory, while desertion and poor morale are badly affecting the over-extended Serb forces. What the Bosnian government lacks however are the tanks and artillery needed to hold the territory won and force the Serbs to negotiate. This lack of equipment is directly the result of the arms embargo. Because of it the war is being prolonged and the casualties are higher. Lifting the arms embargo would thus shorten not lengthen the war.

Second, it is said that lifting the arms embargo would lead to rifts within the UN Security Council and NATO. But are there not rifts already? And are these themselves not the result of pursuing a failed policy involving large risks to outside countries' ground troops, rather than arming and training the victims to repel the aggressor? American leadership is vital to bring order out of the present chaos. No country must be allowed to veto the action required to end the present catastrophe. And if American leadership is truly evident along the lines of the policy which you and your colleagues are advancing I do not believe that any country will actually try to obstruct it.

The West has already waited too long. Time is now terribly short. All those who care about peace and justice for the tragic victims of aggression in the former Yugoslavia now have their eyes fixed on the actions of the US Senate. I hope, trust and pray that your initiative to have the arms embargo against Bosnia lifted succeeds. It will bring new hope to those who are suffering so much.

With warm regards.

Yours sincerely,

MARGARET THATCHER.

Mr. DOLE. I will just conclude by saying this is not a partisan discussion. It is not a partisan debate. It is not about Democrats and Republicans, not about philosophy. It is not about politics. It is about whether some small country that has been ravaged on all sides, pillaged, women raped, children killed, do they have any rights in this world? Do they have a right to say to these big countries like France and Great Britain and America that it is time to go, ''Let us fight and die for ourselves.'' That is what this is all about. They have said our amendment is simple. It is simple. That is what it does.

Maybe I missed something in my lifetime, but I have never missed the point that people have a right to defend themselves. And if we stand in their way, and if more are killed and more are raped and more little boys 12 years old are taken off to camps and more are hung on trees and more throats are cut because we imposed our will on this little country—''You cannot do this because we do not want you to do this.'' It is their country. It is their lives, their blood.

I think it is time for a change in policy. And I hope we will have a resounding vote in favor of the Dole-Lieberman resolution.

I want to congratulate and commend my friend from Connecticut for his tireless efforts, nonpartisan, going back—I think we worked together 1½ years on this issue, without any disagreement, never talking about the political advantage. This is not about

politics; it is about life or death for a little country.

The PRESIDING OFFICER (Mr. COVERDELL). The question is on agreeing to the second-degree amendment by the Senator from Maine.

Mr. WARNER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT] is necessarily absent.

Mr. FORD. I announce that the Senator from South Carolina [Mr. HOLLINGS] is absent because of attending a funeral.

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

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 329 Leg.]

YEAS—57

Abraham	Feingold	Moseley-Braun
Akaka	Feinstein	Murkowski
Baucus	Frist	Nickles
Bond	Gorton	Nunn
Boxer	Grassley	Packwood
Brown	Hatch	Pressler
Campbell	Inhofe	Robb
Chafee	Inouye	Roth
Coats	Jeffords	Santorum
Cochran	Kassebaum	Shelby
Cohen	Kempthorne	Simon
Conrad	Kerrey	Simpson
Coverdell	Kohl	Snowe
Craig	Lautenberg	Specter
D'Amato	Levin	Stevens
DeWine	Lieberman	Thompson
Dole	Lott	Thurmond
Domenici	McCain	Warner
Faircloth	McConnell	Wellstone

NAYS—41

Ashcroft	Glenn	Leahy
Biden	Graham	Lugar
Bingaman	Gramm	Mack
Bradley	Grams	Mikulski
Breaux	Gregg	Moynihan
Bryan	Harkin	Murray
Bumpers	Hatfield	Pell
Burns	Heflin	Pryor
Byrd	Helms	Reid
Daschle	Hutchison	Rockefeller
Dodd	Johnston	Sarbanes
Dorgan	Kennedy	Smith
Exon	Kerry	Thomas
Ford	Kyl	

NOT VOTING—2

Bennett Hollings

So the amendment (No. 1851) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. DASCHLE. Mr. President, I move to table the motion.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I ask for the yeas and nays on the Nunn amendment, and the yeas and nays on final passage; and if we could have 10-minute votes on each of those.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, I ask unanimous consent for 10-minute votes.

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

VOTE ON AMENDMENT NO. 1848, AS AMENDED

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Georgia [Mr. NUNN].

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 Utah [Mr. BENNETT] is necessarily absent.

Mr. FORD. I announce that the Senator from South Carolina [Mr. HOLLINGS] is absent because of attending a funeral.

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

The result was announced—yeas 75, nays 23, as follows:

[Rollcall Vote No. 330 Leg.]

YEAS—75

Abraham	Ford	Lugar
Akaka	Frist	McCain
Ashcroft	Glenn	Mikulski
Baucus	Gorton	Moseley-Braun
Bingaman	Graham	Murkowski
Bond	Gramm	Murray
Boxer	Grassley	Nickles
Bradley	Harkin	Nunn
Breaux	Hatch	Packwood
Bumpers	Hutchison	Pell
Campbell	Inouye	Pressler
Chafee	Jeffords	Pryor
Coats	Johnston	Robb
Cochran	Kassebaum	Roth
Cohen	Kempthorne	Santorum
Conrad	Kennedy	Sarbanes
Coverdell	Kerrey	Simon
Craig	Kerry	Simpson
Daschle	Kohl	Snowe
DeWine	Kyl	Specter
Dodd	Lautenberg	Stevens
Dole	Leahy	Thompson
Domenici	Levin	Thurmond
Dorgan	Lieberman	Warner
Exon	Lott	Wellstone

NAYS—23

Biden	Feinstein	McConnell
Brown	Grams	Moynihan
Bryan	Gregg	Reid
Burns	Hatfield	Rockefeller
Byrd	Heflin	Shelby
D'Amato	Helms	Smith
Faircloth	Inhofe	Thomas
Feingold	Mack	

NOT VOTING—2

Bennett Hollings

So the amendment (No. 1848) was agreed to.

VOTE ON AMENDMENT NO. 1801

The PRESIDING OFFICER. The question now occurs on Dole amendment number 1801, as amended.

The question is on agreeing to the amendment.

The amendment (No. 1801), as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

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

The PRESIDING OFFICER. The question now occurs on passage of the bill, as amended. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT] is necessarily absent.

Mr. FORD. I announce that the Senator from South Carolina [Mr. HOLLINGS] is absent because of attending a funeral.

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

The result was announced—yeas 69, nays 29, as follows:

[Rollcall Vote No. 331 Leg.]

YEAS—69

Abraham	Feingold	McConnell
Ashcroft	Feinstein	Moseley-Braun
Baucus	Frist	Moynihan
Biden	Gorton	Murkowski
Bond	Gramm	Nickles
Boxer	Grams	Nunn
Bradley	Grassley	Packwood
Brown	Harkin	Pressler
Bryan	Hatch	Reid
Campbell	Helms	Robb
Chafee	Hutchison	Roth
Coats	Inhofe	Santorum
Cochran	Jeffords	Shelby
Cohen	Kempthorne	Simon
Conrad	Kohl	Smith
Coverdell	Kyl	Snowe
Craig	Lautenberg	Specter
D'Amato	Levin	Stevens
DeWine	Lieberman	Thomas
Dole	Lott	Thompson
Domenici	Lugar	Thurmond
Dorgan	Mack	Warner
Faircloth	McCain	Wellstone

NAYS—29

Akaka	Glenn	Kerry
Bingaman	Graham	Leahy
Breaux	Gregg	Mikulski
Bumpers	Hatfield	Murray
Burns	Heflin	Pell
Byrd	Inouye	Pryor
Daschle	Johnston	Rockefeller
Dodd	Kassebaum	Sarbanes
Exon	Kennedy	Simpson
Ford	Kerrey	

NOT VOTING—2

Bennett Hollings

So the bill (S. 21), as amended, was passed, as follows:

S. 21

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 ''Bosnia and Herzegovina Self-Defense Act of 1995''.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) For the reasons stated in section 520 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), the Congress has found that continued application of an international arms embargo to the Government of Bosnia and Herzegovina contravenes that Government's inherent right of individual or collective self-defense under Article 51 of the United National Charter and therefore is inconsistent with international law.

(2) The United States has not formally sought multilateral support for terminating the arms embargo against Bosnia and Herzegovina through a vote on a United Nations Security Council resolution since the enactment of section 1404 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337).

(3) The United Nations Security Council has not taken measures necessary to maintain international peace and security in Bosnia and Herzegovina since the aggression against that country began in April 1992.

(4) The Contact Group, composed of representatives of the United States, Russia, France, Great Britain, and Germany, has since July 1994 maintained that in the event of continuing rejection by the Bosnian Serbs of the Contact Group's proposal for Bosnia and Herzegovina, a decision in the United Nations Security Council to lift the Bosnian arms embargo as a last resort would be unavoidable.

SEC. 3. STATEMENT OF SUPPORT.

The Congress supports the efforts of the Government of the Republic of Bosnia and Herzegovina—

(1) to defend its people and the territory of the Republic;

(2) to preserve the sovereignty, independence, and territorial integrity of the Republic; and

(3) to bring about a peaceful, just, fair, viable, and sustainable settlement of the conflict in Bosnia and Herzegovina.

SEC. 4. TERMINATION OF ARMS EMBARGO.

(a) TERMINATION.—The President shall terminate the United States arms embargo of the Government of Bosnia and Herzegovina, as provided in subsection (b), following—

(1) receipt by the United States Government of a request from the Government of Bosnia and Herzegovina for termination of the United States arms embargo and submission by the Government of Bosnia and Herzegovina, in exercise of its sovereign rights as a nation, of a request to the United Nations Security Council for the departure of UNPROFOR from Bosnia and Herzegovina; or

(2) a decision by the United Nations Security Council, or decisions by countries contributing forces to UNPROFOR, to withdraw UNPROFOR from Bosnia and Herzegovina.

(b) IMPLEMENTATION OF TERMINATION.—The President may implement termination of the United States arms embargo of the Government of Bosnia and Herzegovina pursuant to subsection (a) prior to the date of completion of the withdrawal of UNPROFOR personnel from Bosnia and Herzegovina, but shall, subject to subsection (c), implement termination of the embargo pursuant to that subsection no later than the earlier of—

(1) the date of completion of the withdrawal of UNPROFOR personnel from Bosnia and Herzegovina; or

(2) the date which is 12 weeks after the date of submission by the Government of Bosnia and Herzegovina of a request to the United Nations Security Council for the departure of UNPROFOR from Bosnia and Herzegovina.

(c) PRESIDENTIAL WAIVER AUTHORITY.—If the President determines and reports in advance to Congress that the safety, security, and successful completion of the withdrawal of UNPROFOR personnel from Bosnia and Herzegovina in accordance with subsection (b)(2) requires more time than the period provided for in that subsection, the President may extend the time period available under subsection (b)(2) for implementing termination of the United States arms embargo of the Government of Bosnia and Herzegovina for a period of up to 30 days. The authority in this subsection may be exercised to extend the time period available under subsection (b)(2) for more than one 30-day period.

(d) PRESIDENTIAL REPORTS.—Within 7 days of the commencement of the withdrawal of UNPROFOR from Bosnia and Herzegovina, and every 14 days thereafter, the President shall report in writing to the President pro tempore of the Senate and the Speaker of the House of Representatives on the status and estimated date of completion of the withdrawal operation. If any such report includes an estimated date of completion of the withdrawal which is later than 12 weeks after commencement of the withdrawal operation, the report shall include the operational reasons which prevent the completion of the withdrawal within 12 weeks of commencement.

(e) INTERNATIONAL POLICY.—If the Government of Bosnia and Herzegovina submits a request to the United Nations Security Council for the departure of UNPROFOR from Bosnia and Herzegovina or if the United Nations Security Council or the countries contributing forces to UNPROFOR decide to withdraw from Bosnia and Herzegovina, as provided in subsection (a), the President (or his representative) shall immediately introduce and support in the United Nations Security Council a resolution to terminate the application of United Nations Security Council resolution 713 to the Government of Bosnia and Herzegovina. The United States shall insist on a vote on the resolution by the Security Council. The resolution shall, at a minimum, provide for the termination of the applicability of United Nations Security Council resolution 713 to the government of Bosnia and Herzegovina no later than the completion of the withdrawal of UNPROFOR personnel from Bosnia and Herzegovina. In the event the United Nations Security Council fails to adopt the resolution to terminate the application of United Nations Security Council resolution 713 to the Government of Bosnia and Herzegovina because of a lack of unanimity of the permanent members, thereby failing to exercise its primary responsibility for the maintenance of international peace and security, the United States shall promptly endeavor to bring the issue before the General Assembly for decision as provided for in the Assembly's Uniting for Peace Resolution of 1950.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be interpreted as authorization for deployment of United States forces in the territory of Bosnia and Herzegovina for any purpose, including training, support, or delivery of military equipment.

(g) DEFINITIONS.—As used in this section—

(1) the term ''United States arms embargo of the Government of Bosnia and Herzegovina'' means the application to the Government of Bosnia and Herzegovina of—

(A) the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (58 FR 33322) under the heading ''Suspension of Munitions Export Licenses to Yugoslavia''; and

(B) any similar policy being applied by the United States Government as of the date of completion of withdrawal of UNPROFOR personnel from Bosnia and Herzegovina, pursuant to which approval is denied for transfers of defense articles and defense services to the former Yugoslavia; and

(2) the term ''completion of the withdrawal of UNPROFOR personnel from Bosnia and Herzegovina'' means the departure from the territory of Bosnia and Herzegovina of substantially all personnel participating in UNPROFOR and substantially all other personnel assisting in their withdrawal, within a reasonable period of time, without regard to whether the withdrawal was initiated pursuant to a request by the Government of Bosnia and Herzegovina, a decision by the United Nations Security Council, or decisions by countries contributing forces to UNPROFOR, but the term does not include such personnel as may remain in Bosnia and Herzegovina pursuant to an agreement between the Government of Bosnia and Herzegovina and the government of any country providing such personnel.

Mr. WARNER. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. WARNER addressed the Chair.

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

Mr. WARNER. Mr. President, I just wish to echo the many accolades I have heard paid to the distinguished majority leader for his leadership on this issue over a period of years. He has been unwavering in his determination, together with our distinguished colleague, the junior Senator from Connecticut, Mr. LIEBERMAN, with strong staff support provided by Mira Baratta, who has worked on this tirelessly now for years, Randy Scheunemann, Ron Marks, John Lilley, of the staff of Senator LIEBERMAN, and Mrs. Ansley on my staff. Together, we have been able to present this in a very fair and objective and nonpartisan way.

I wish to extend my appreciation to those staff members and the distinguished majority leader and the Senator from Connecticut.

RYAN WHITE CARE REAUTHORIZATION ACT

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. DOLE. Mr. President, I call for the regular order with respect to S. 641.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 641) to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

The Senate resumed consideration of the bill.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I understand from the leader and from the clerk, we are now on the reauthorization of the Ryan White bill; am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, I see the chairman of the Labor and Human Resources Committee here. We are prepared to move along in terms of the amendments.

We had opening statements and discussion on last Friday.

I see my friend and colleague from California, who wishes to address the Senate on this issue. But I would like to indicate at least to our side that we are prepared to consider amendments. This measure has been on the calendar for some period of time. We have some 63 cosponsors.

We are, as we have said, prepared to deal with various amendments, and we hope we will have some brief comments in terms of whatever people's views are about the legislation and then we can get down to dealing with the amendments.

So I would yield the floor at this time.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise today in strong support of the Ryan White CARE Reauthorization Act, and in so doing I would very much like to thank the Labor and Human Resources Committee.

I would like to thank its distinguished chairman, the Senator from Kansas, and the ranking member, the Senator from Massachusetts. And I must say, to the credit of this committee, this reauthorization bill is reported to the full floor unanimously.

Mr. President, Ryan White affects 42 cities—7 in my State—and all 50 States. It costs $630 million, and it provides 350,000 people with services they would not be able to get, otherwise, outside of a hospital. It has dramatically reduced the overall cost of the health care delivery system.

Let me give you some examples of how Ryan White funding has helped communities in my State. In California, through use of its Ryan White title II funds, the State has reported a 50-percent reduction in hospital stays resulting in over $21 million in cost savings.

In San Francisco, Project Open Hand delivers a meal to 1,200 homebound people every day. This is accomplished through the efforts of 2,400 volunteer drivers and food preparers.

In Los Angeles, the AIDS Health Care Foundation, which is the largest AIDS organization in California, annually serves approximately 2,400 people living with HIV and AIDS at outpatient clinics. Last year it provided a final home to over 250 hospice residents.

In San Diego, the AIDS Foundation uses its Ryan White funding to provide a full range of outpatient clinical and social services to people with AIDS.

Let me say that, increasingly, the majority of new cases served under the Ryan White Act are in rural areas. Increasingly they are women, they are minorities, and they are children. And I think the lesson in this is that AIDS really knows no gender or sexual orientation. It is a real and major threat, and, as such, this act is very important in its treatment.

Mr. President, I am one who has had quite a bit of experience with AIDS. I would like to take a few moments to tell you what it was like before there was a Ryan White CARE Act. As mayor of San Francisco during the 1980's, I had many challenges. But none was more serious or severe than the emergence of the AIDS epidemic. I remember my first meeting on this subject as if it were yesterday. I think it was 1981. I was told in a meeting in the mayor's office that there was a rumor of a so-called gay cancer which had as one of its symptoms purple skin lesions. I called our director of public health and asked him to look into it. He called the Centers for Disease Control in Atlanta and learned that New York and Los Angeles were reporting a similar syndrome that was appearing in gay men.

At the time, we had no idea what we were dealing with. We did not know whether this was caused by a virus, a bacteria, or something else. We did not know how widely spread the epidemic had become or that hemophiliacs, Haitians, and intravenous drug users were already infected. We certainly did not know that it had originated in Central Africa, and that it would impact millions of people, and that it was sweeping through sub-Saharan Africa long before it reached this hemisphere.

But one thing I did know. We were dealing with something that was deadly. And it is my belief that as an elected official, when one learns of a threat to the public health, one has a responsibility to act. By the end of that first year, there were 76 diagnosed cases in San Francisco. We had allocated $180,000 for the first AIDS program in the Nation. By the time I left office in 1988, January, we were spending approximately $20 million a year, more than the rest of the cities in the country combined and, for most of the time, more than the State of California.

There was no Ryan White program then. But I can tell you that I certainly could have used it. We had to fund all those services from the city budget—the first AIDS prevention programs, the first AIDS housing programs, the first preliminary AIDS research efforts, which were pioneered at San Francisco General Hospital by Dr. Paul Volberding, and others. We opened the first AIDS ward. I broke that ribbon. We funded hospice care as well as a full range of support services.

San Francisco's response became known as the model AIDS program. Health officials from around the world came to observe it. And many returned home to replicate it. Make no mistake about it, it was hard. But if I had it to do over again, I would do it again. And if I do nothing else in my public life, creation of that model will be among my proudest achievements.

Last year it was learned that San Francisco was actually experiencing a decline in the number of new AIDS cases. This was very encouraging. As far as I know, San Francisco is the only major city on the planet that has experienced a decline in its AIDS caseload. When I read in the New York Times that the decline was attributable to one thing, the prevention program put into place in the early 1980's, I felt an affirmation of the principle which I stated earlier, which I will state again. As an elected official, when one learns of a threat to the public health, one has a responsibility to act.

Having said that, a lot of cities have sustained devastating losses. No city has been harder hit than my own, a city just 7 miles square, renowned for its beauty and its people. It is a city where 2 percent of its entire population has been claimed by AIDS, and 4 percent of its remaining population is estimated to be infected with the HIV. More than 50,000 young Californians have died from AIDS, approximately the same number as all Americans who died in Vietnam. Almost five times that many young Americans have died from AIDS.

While my colleagues on both sides of the aisle have recounted the alarming statistics with which we have become all too familiar, I believe that America has become numbed by the statistics of AIDS. I am reminded of a statement made in a different context: ''A single death is a tragedy; a million deaths are a statistic.'' That is all too true when it comes to AIDS.

The young man for whom this legislation is named gave the disease a face and a name to which every American could relate. Ryan White, a youngster, with his courage in fighting prejudice, helped this Nation begin to understand that AIDS knows no boundaries. Many years before the world came to know the name of Ryan White, there were also other names. There were names and faces that will be with many of us in this Chamber for a long, long time. For me, I lost many friends. I can tell you that I have lost many friends, and could recount a long litany of tragedy and suffering.

Let me tell you about two because they are recent deaths. The first is police officer Ray Benson whose funeral I attended just a few weeks ago. Ray became a San Francisco police officer in 1980 when I was mayor. And during the next 12 years he became the model police officer. He displayed conspicuous gallantry that personifies the risk of police officers daily when they report to duty. He received many awards during the course of his tenure, most recently the Medal of Valor for his actions while arresting a narcotics suspect. At the time he sustained serious wounds which required more than a 100 stitches in his face. But he shielded his fellow officers from the suspect's knife. Officer Ray Benson was a friend of mine. When I last saw him, his vision was failing, but his same strong spirit stood out. Ray's death from AIDS is but the most recent loss I have personally known.

I would like to mention just one other name and, due to the time constraints, I will stop. That name is Brad Wilson.

Brad was my scheduler during my campaign for Governor of California and my Senate campaign until he became too sick. He grew up in the Ozarks, graduated from the University of Chicago with top honors, and received his law degree from New York University.

After receiving an AIDS diagnosis, Brad fought for 6 more years, struggling to maintain his dignity and working as much as possible until 2 months before his death. In his final days, this brilliant young attorney, 39, was unable to care for himself in any

way. Morphine was administered intravenously to deaden the pain caused by a brain infection, but he maintained his dignity until the end.

Three of his last visitors at home were my daughter and her husband who took with them my 5-month-old granddaughter to boost his spirits. Both Brad and Ray were able to avail themselves of the services provided by the Ryan White CARE Act, and for this I am forever grateful.

I mention these two names as a very personal example of the loss, but they are but two more names out of almost 250,000 who have died from AIDS in the United States. Ryan White's death proved that AIDS is an equal opportunity killer, and there should be no room for prejudice or discrimination toward those it strikes for, in truth, it can strike anyone.

I urge my colleagues to support this bill, with Ryan White's memory in mind, as well as the memory of each and every American who has died from AIDS.

I thank the Chair. I yield the floor.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I thank the Senator from California, Senator FEINSTEIN, for a very powerful statement. The reasons that she laid out as to why there should be support for this legislation, I think, will particularly help, and I appreciate her comments.

The Senator from North Carolina, Senator HELMS, had some amendments that he wished to offer. Senator BYRD has requested about 10 minutes as in morning business. I think as long as Senator HELMS is not here, I am prepared to offer an amendment as soon as Senator BYRD finishes, if, indeed, Senator HELMS is not here. But I think he is ready to go as well.

I ask unanimous consent that Senator BYRD be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the very distinguished Senator from Kansas, my friend, Senator KASSEBAUM, for her courtesy and kindness.

ELIMINATE THE DUAL KEY

Mr. BYRD. Mr. President, today's New York Times reports that the United Nations Secretary General, Mr. Boutros Boutros-Ghali, would ''veto NATO airstrikes.'' Secretary of State Christopher has written to me to clarify the decisions that were made in Brussels. In his letter, Secretary Christopher has stated that ''the North Atlantic Council approved detailed planning for the use of substantial NATO airpower to deter or respond to Bosnian Serb attacks on the U.N. safe area of Gorazde. These plans include a broader range of options for commanders, who for the first time will have the ability to use NATO airpower within a wide geographic area against a variety of targets which may pose a threat to the safe area.'' Secretary Christopher goes on to say that ''Of equal importance, NATO military authorities were instructed to formulate plans for protecting other safe areas, particularly Bihac, on the basis of the new approach adopted for Gorazde . . . These steps, which confirm decisions taken in London, reflect unanimous Allied endorsement of the substantial change to the dual key previously in effect.''

Reinforcing Secretary Christopher's letter, the Secretary General just released a statement that delegates the authority for airstrikes to the military commanders on the ground. In his press statement, the Secretary General says, ''on the question of the 'dual key,' the relevant Security Council resolutions call for close coordination between the United Nations and NATO on the use of NATO air power and this is reflected in the NATO decision. In order to streamline decisions taking within the U.N. chain of command when the use of air power is deemed to be necessary, the Secretary General has decided to delegate the necessary authority in this respect to his military commanders in the field.'' Mr. President, this is consistent with the North Atlantic Council decision agreed upon last night, and is a major step forward.

As a result of a meeting conducted last Friday in London and implemented by the North Atlantic Council of NATO last night in Brussels, NATO has made a decision to take new, positive action in Bosnia to deter and retaliate against Bosnian Serb aggression against at least the U.N.-designated safe areas of Gorazde and Sarajevo. Already, French and British troops have taken action to forcefully reopen the ground route for humanitarian supplies into Sarajevo. The NATO military command is establishing the command and control links and decisionmaking rules to guide NATO operations in Bosnia in fulfillment of the decisions so recently made. The new decisionmaking process would eliminate the veto that has been exercised regularly by U.N. political authorities, frustrating timely and strong alliance action. The Secretary General has agreed with this decision.

This is an important new development, a vital change in the military equation. It is critical to the success of alliance military operations in Bosnia.

Our NATO allies have come to this consensus partially at the behest of the United States, which has urged more forceful action against the Bosnian Serb forces. This decision to retaliate, which has been forcefully communicated to the Bosnian Serb military commander by a trio of United States, United Kingdom, and French generals, commits NATO to punishing and disproportionate airstrikes against any Bosnian Serb military facility or formation anywhere in Bosnia, including Serb headquarters and command and control centers, should the Bosnian Serbs attempt to overrun Gorazde.

The need to make these decisions and these threats credible requires the elimination of the ''dual key'' to authorizing airstrikes. This ''dual key'' process, which has required both NATO and U.N. political authorities to authorize airstrikes, has gutted the effectiveness of previous NATO airstrikes undertaken to punish the Serbs for actions against U.N. protection forces or Bosnian civilians. The decisionmaking process has been far too slow, and has been burdened with added requirements to notify the targets of the intended strike, to strike at prearranged times, and to strike at targets that do not disproportionately punish the Serbian forces. These restrictions are militarily foolish, and serve only to set up NATO forces as targets for Serb antiaircraft fire as they come in over preannounced targets at specified times. Allied air power in Bosnia has been reduced to a farce by the misguided political calculations of U.N. civilian officials.

These restrictions do not pertain to the retaliation that has been outlined for NATO. NATO retaliatory airstrikes will be swift, unannounced, and directed at targets of NATO's choosing, encompassing any Bosnian Serb military facility or formation. These strikes will be disproportionate and massive, rather than the pinpricks that have been conducted in the past. NATO has resolved to continue, to punish the Serbs even if they resort again to such dastardly tactics as using U.N. personnel or civilians as human shields to protect their military facilities. Regarding military action in the face of hostage-taking, the presumption outlined in the NATO decision is that operations will go forward.

According to the North Atlantic Council decisions last night, the strikes will take place when NATO and U.N. military commanders—military commanders, not civilian authorities—determine that Serb preparations pose a threat to Gorazde. The chain of command stops at the military level, not at the political level, according to the North Atlantic Council decision document.

Under the ''dual key'' process, U.N. civilians are allowed to make military decisions, which does not and has never made military sense. Once a decision has been made by civilian authorities to carry out airstrikes, military commanders should be, and must be, trusted to carry out that decision in the most effective manner, and in a manner that best protects their striking forces. NATO commanders must be given the freedom of action to make good military judgments, to strike at targets that pose the greatest danger to NATO, and to strike at targets that will inflict the greatest damage to the Serb forces. This is what is necessary to let the Serb forces know that this

time, we mean business. Peaceniks at the United Nations cannot be allowed to overturn military options to the tragedy in Bosnia. New York should be out of the Bosnia loop.

At the United Nations, political entanglements also entangle military operations. Aside from decisions being made by United Nations civilians with little or no military experience, opportunities exist for Bosnian Serb supporters to undermine the effectiveness of NATO airstrikes. I understand that the Russians are opposed to the NATO decision to undertake airstrikes against the Bosnian Serb forces, but this is understandable. Russia has ancient ties to the Serbs of both Serbia and Bosnia, ties of religion and of history. But Russia, with its vote on the United Nations Security Council, should not be allowed to jeopardize NATO decisions and NATO actions. Russia is not, at least not yet, a member of NATO. I respect the views of those who would acknowledge Russian concerns in this matter, but I venture to surmise that the Russians would not allow consideration of NATO's views to handcuff decisions made and actions taken by Russian military forces, regardless of the voice and veto of NATO members on the United Nations Security Council.

I believe that, differences over the passage of the bill lifting the arms embargo aside, the Members of this body are united in opposition to the existing and cumbersome ''dual key'' decision-making process. It has been a critical element in the failure of the United Nations operation in Bosnia, and it has been a critical element in the failure of previous NATO attempts to shore up the U.N. operations in Bosnia. If the action taken to lift the embargo leads to the departure of the United Nations or our European allies from Bosnia, with all the danger that operation might entail, the elimination of this ''dual key'' becomes even more important. If the United States participates in the withdrawal, as President Clinton has suggested, I believe we all would agree that we do not want the United Nations in a position to crimp NATO's ability to react.

The Secretary General's statement is an endorsement of the major change in the way NATO does business in Bosnia. It will permit allied air power to do what it is designed to do, as characterized by the following statement from the NATO Secretary General, which is that ''there is a strong feeling among Allies that such operations, once they are launched, will not lightly be discontinued. In the face of the inherent strike, the Alliance is determined.''

Mr. President, I ask unanimous consent to have printed in the RECORD pertinent materials.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF STATE,
Washington, July 26, 1995.

Hon. ROBERT C. BYRD,
U.S. Senate.

DEAR SENATOR BYRD: Working with our NATO Allies, the United States has embarked on a stronger and firmer approach to preserving the UN mission in Bosnia. New command and control arrangements agreed to in Brussels last night, combined with British and French decisiveness in using their Rapid Reaction Forces to secure routes into Sarajevo, are vivid examples of our heightened resolve.

Last night in Brussels, NATO acted resolutely to confirm and implement decisions taken at last week's International Meeting on Bosnia in London. After intensive review by NATO military authorities, the North Atlantic Council approved detailed planning for use of substantial NATO airpower to deter or respond to Bosnian Serb attacks on the UN safe area of Gorazde. These plans include a broader range of options for commanders, who for the first time will have the ability to use NATO airpower within a wide geographic area against a variety of targets which may pose a threat to the safe area.

Of equal importance, NATO military authorities were instructed to formulate plans for protecting other safe areas, particularly Bihac, on the basis of the new approach adopted for Gorazde. Authority for the decisions taken at NATO already exists under current UN Security Council resolutions. NATO Secretary General Claes communicated the NATO decisions to UN Secretary General Boutros-Ghali last night.

These steps, which confirm decisions taken in London, reflect unanimous Allied endorsement of a substantial change to the dual key previously in effect. This would be accomplished through the anticipated new delegation of authority from UN and NATO political authorities to theater and field commanders, consistent with military practices.

These new arrangements will ensure that the use of airpower is substantial and decisive. They are consistent with the requirements of the U.S. military and have its endorsement. The Alliance recognizes that there are risks involved in use of substantial airpower, but will not be deterred. In short, there will be no more pinpricks.

I hope the Administration can count on your support.

Sincerely,

WARREN CHRISTOPHER.

[From the New York Times, July 26, 1995]

NATO GIVES U.N. OFFICIALS VETO ON AIRSTRIKES IN BOSNIA

(By Craig R. Whitney)

BRUSSELS, Wednesday, July 26—Four days after the United States, Britain, and France threatened the Bosnian Serbs with the heaviest air strikes yet if they attacked the Muslim enclave of Gorazde, NATO officials said early this morning that they had agreed that no large-scale bombing could start unless United Nations civilian officials gave the go-ahead.

Far from doing away with the cumbersome ''dual key'' arrangement that the United States says has hampered NATO's ability to protect United Nations peacekeepers on the ground, the NATO allies in effect have sided with United Nations Secretary-General Boutros Boutros-Ghali, who has been saying nobody could take his key away from him.

The allies agreed to make what one NATO official called a ''strong recommendation'' to Mr. Boutros-Ghali to leave it to his military field commanders on the ground in Gorazde and elsewhere to decide when the time had come to start bombing the Serbs if they attacked.

But since Mr. Boutros-Ghali has been extremely cautious about approving air strikes in the past, what was meant to sound like a roar in London four days ago appeared likely to have been throttled down to something more like a growl by the time NATO ambassadors finished grappling with it in the small hours of Wednesday morning.

''It's falling apart,'' an American military officer said of the previous allied indications that in the event of an imminent attack on Gorazde, military leaders could decide on their own to proceed with bombing of the Serbs. (Field commanders already have the authority to call in close air support in the midst of battle, though that power has seldom been used.)

A senior NATO diplomat said as the Brussles meeting dragged on, ''What we came up with tonight has to be endorsed by Boutros Boutros-Ghali.'' As for the ''dual key'' arrangement, he said, ''We have to live with it.''

The main pressure to preserve a decision-making role for Mr. Boutros-Ghali came from Britain and France. With nearly 15,000 soldiers on the ground in Bosnia who could suffer the consequences if bombing and Serb reactions to it spiral out of control, the countries pressed, in effect, for a series of political fire walls against precipitate American action from the air.

In particular, French officials deny that they ever agreed last Friday in London to launch automatically what the American Secretary of Defense William Perry called a ''disproportionate response'' to an attack on Gorazde. Americans had emerged from the London meeting describing an agreement to sidestep the Secretary General, but apparently that was exaggerated.

The emerging decision would represent a serious setback for the United States, which wanted the allies to leave all decisions on bombing from now on to NATO officers and United Nations military commanders on the ground in Bosnia.

An American diplomat said, ''We're just trying to get the best deal we can.''

NATO ambassadors endorsed a detailed military plan prepared by their uniformed chiefs and then planned to call on Mr. Boutros-Ghali to delegate to as low a level as possible his authority to approve air strikes if the Serbs attacked designated ''safe areas'' in Bosnia, one participant said.

The allies took two full days and part of a third to decide what to do about Gorazde despite the fact that most of them had been present in London when the problem was discussed last Friday. And NATO has had authority to bomb Bosnian Serb heavy weapons in Gorazde and all the other United Nations-designated ''safe areas'' in Bosnia since April of 1994.

The senior United Nations commander in Bosnia, Gen. Rupert Smith of Britain, has frequently reached agreement with his NATO counterpart, Adm. Leighton Smith of NATO's Southern Command in Naples, an American, on conducting air strikes.

In the past, some of these have then been vetoed by Gen. Bernard Janvier, the overall commander of United Nations peacekeepers in the former Yugoslavia, but many more have been disapproved by Mr. Boutros-Ghali or his civilian representative there, Yasushi Akashi.

While the plan discussed here was devised to deter a Bosnian Serb attack on Gorazde, NATO officials said they would try to adapt it as quickly as possible for the western Bosnian enclave of Bihac, where Bosnian Serbs, Croatian Serbs, and renegade Muslim forces are fighting Bosnian Government troops.

Mr. Boutros-Ghali, who has insisted on retaining ultimate authority over air attacks

ever since last week's tough talk in London by American officials about cutting him out of the decision-making process, was to be informed of the allies' latest decision by NATO Secretary-General Willy Klaes.

The coldest feet here apparently belonged to Britain and France. ''We have to have at least a nihil obstat from the United Nations at the political level, in the most practical and least obstructive way possible,'' one French official explained, referring to the Vatican's expression when approving a book for publication. Officials said that Britain, too, was adamant about keeping the United Nations in the decision-making loop as far as possible.

But the allies said that Mr. Boutros-Ghali would need no additional Security Council resolutions to authorize his subordinate military commanders to approve a bombing campaign. If he asked for such a resolution, Russia would almost certainly veto it. The Russian Foreign Minister, Andrei V. Kozyrev, refused to go along with the London threat last week.

The allies also agreed that they would have to meet again before any decision to actually begin a campaign of widespread air strikes against Bosnian Serb air defenses and other military targets, and that Mr. Boutros-Ghali would have to agree that it should go ahead, officials said.

Mr. Boutros-Ghali attended last Friday's meeting in London, where the U.S., Britain, and France promised ''substantial and decisive response'' to any attack on Gorazde, but he said little publicly there.

President Jacques Chirac had described the London decisions to threaten bombing as ''not entirely what we were hoping for.'' He has pressed for a thousand British and French troops to be dispatched to reinforce the United Nations peacekeepers in Gorazde.

Mr. BYRD. I thank again the distinguished Senator from Kansas for her courtesy, and the Senator from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. President, I see my colleague from California on the floor. I understand she would like to address the Senate.

RYAN WHITE CARE REAUTHORIZATION ACT

The Senate continued with the consideration of the bill.

Mrs. BOXER. Mr. President, thank you so much. I rise in support, very strong support, of the Ryan White CARE Act. I want to thank my friend and colleague from Massachusetts for giving me just a short period of time to make a few remarks.

I hope I will not have to rush back to the floor to defend against harmful amendments and mean-spirited amendments that attempt to drive a wedge between Members.

The way I view life, we are all God's children, and when we are sick, we should help each other. That is what this bill is all about.

I also want to thank the Senator from Kansas, the chairman of the committee, for moving this legislation to where it is today. It certainly means a lot to many people across this great country that we are responding to the AIDS epidemic.

Indeed, it is an epidemic. An estimated 150,000 people infected with HIV are living in California. That is a huge number of people, Mr. President, who are looking to Members for help. We cannot solve every problem for every person. We know that. But the Ryan White CARE Act is the basis for having matching dollars flow into our communities, to help those who need it most. The Ryan White CARE Act provides funding for health care and supportive services for people living with AIDS.

Title I of the act talks about the cities that are under great stress and great duress because of this epidemic. In California, we have seven title I cities: San Francisco, Los Angeles, Oakland, Anaheim in Orange County, Riverside/San Bernardino, San Diego, and Santa Rosa/Petaluma. Two more cities, San Jose and Sacramento, unfortunately, are expected to qualify for funding next year. I say ''unfortunately'' because it means that the devastation of AIDS continues to spread to new cities—not only in my State of California, Mr. President, but across this great Nation.

Through this act, we provide funding for statewide programs that reimburse patients for the cost of medicine. They provide insurance coverage and health and supportive services. And, title III(B) supports community-based health care clinics that are so important to outpatient services.

Title IV, Mr. President, supports pediatric, adolescent, and family HIV care programs.

Mr. President, at this point I want to mention a name of a woman who died who had dedicated her life to making sure that we paid attention to pediatric AIDS. That is Elizabeth Glaser, one of the greatest people I have ever met in my entire life. I feel blessed that somehow I crossed her path in my life.

This is a woman who saw tragedy, who got the HIV virus through a transfusion, and unknowingly—because it was so early in the epidemic—passed it on to two children. Her husband, Michael, who has taken up the cause, has lost so much love from his life, but yet he remains dedicated to making sure we find a cure for AIDS, and that we prevent the AIDS virus being transmitted from the pregnant woman to her child.

We are seeing some breakthroughs, Mr. President, in this regard. The early use of AZT seems to work in many, many cases so that the children do not get HIV and they are born healthy.

It is very important that we continue the Ryan White CARE Act and all the titles in the Ryan White Act. We know the Ryan White CARE Act is cost effective. The lifetime cost of treating a person with AIDS is over $100,000, with an average yearly cost of $38,000. People say, why do we spend money in the Federal Government? In this case and in other cases we could point to, we really save money in the end, because this act works to keep people out of the hospital where the care is the most expensive. It allows individuals to continue on with productive lives in their communities.

One California study found that individuals receiving managed outpatient care services spent 8 less days in the hospital, saving $22,000 per person, or a total of $13 million in health care costs per year.

Mr. President, I hope that my colleagues on the committee are aware of this program supported by the Ryan White CARE Act. Senator FEINSTEIN mentioned it in her wonderful opening remarks today. There is a program that operates in California called Project Open Hand. Saturday, I went to visit the program. I was really moved to see the kind of community spirit that this program promotes. We talk about saving money. This program feeds people with HIV and AIDS who need that kind of help, people who may be too tired or too sick to cook healthful meals for themselves.

It is interesting to note that there are huge donations to Project Open Hand, and an enormous number of volunteers. When we look over the budget, 18 percent of the budget comes from Ryan White funds, but all of rest of it flows into the program in a 5-to-1 ratio. The Ryan White money brings in a match of almost 5 to 1 to Project Open Hand, which serves more than 1,000 people every day. It is extraordinary to see the way it is done.

I watched them prepare the meals there. They have different diets for different people. Some have to be no salt, some low salt—and it is all done in a way that is so efficient. So many volunteers give of themselves.

Mr. President, even with Ryan White funds, title I cities have tremendous unmet needs. For example, in California, 62 percent of those in need of HIV primary care do not receive those services in Los Angeles; 73 percent of people with HIV in Orange County cannot get case management services; 45,000 publicly-funded home health care visits are needed for people with AIDS and HIV in Alameda County and there are no funds to help people with their transportation costs. They have no way to get to outpatient clinics.

Mr. President, 40 percent of HIV infected individuals in Riverside and San Bernardino County—which we call the inland empire in California, that is inland from the coast—40 percent of those HIV-infected individuals there are receiving services through the Ryan White CARE Act because they have no health insurance whatsoever.

In San Diego, we have at least 900 additional people with AIDS in its system who were diagnosed and reported elsewhere. In other words, they came from Mexico and other areas to get treatment in San Diego, so there is a terrible problem there.

An estimated 1,000 people with HIV are homeless in San Francisco.

So, in conclusion, to my friends whom I thank so very much for bringing this bill forward, this bill is crucial. It is crucial to people with HIV

and AIDS. And I want to point out something that is often lost. The groups today that are most at risk are heterosexual women and our young people. So, if there is an attempt on this Senate floor to ghettoize this disease, I will be back to speak out. Again, we are all God's children. We must help each other. We are all Americans. We are in this together. We must confront AIDS forcefully and directly, provide the necessary funding that will be matched by States and localities, and a very generous private sector.

So I am very pleased to be here in support of this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, we had many of the opening statements on Friday and are prepared to move forward with amendments now. The Senator from North Carolina [Mr. HELMS] has suggested I go ahead with an amendment.

AMENDMENT NO. 1852

(Purpose: To provide for the adoption by States of the CDC guidelines for pregnant women)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas, [Mrs. KASSEBAUM], for herself and Mr. KENNEDY proposes an amendment numbered 1852.

Mrs. KASSEBAUM. 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. . CDC GUIDELINES FOR PREGNANT WOMEN.

(a) REQUIREMENT.—Notwithstanding any other provision of law, a State described in subsection (b) shall, not later than 1 year after the date of enactment of this Act, certify to the Secretary of Health and Human Services that such State has in effect regulations to adopt the guidelines issued by the Centers for Disease Control and Prevention concerning recommendations for immunodeficiency virus counseling and voluntary testing for pregnant women.

(b) APPLICATION OF SECTION.—A State described in this subsection is a State that has—

(1) an HIV seroprevalance among child bearing women during the period beginning on January 1, 1991 and ending on December 31, 1992, of .25 or greater as determined by the Centers for Disease Control and Prevention; or

(2) an estimated number of births to HIV positive women in 1993 of 175 or greater as determined by the Centers for Disease Control and Prevention using 1992 natality statistics.

(c) NONCOMPLIANCE.—If a State does not provide the certification required under subsection (a) within the 1 year period described in such subsection, such State shall not be eligible to receive assistance for HIV counseling and testing under the Public Health Service Act (42 U.S.C. 201 et seq.) until such certification is provided.

(d) ADDITIONAL FUNDS REGARDING WOMEN AND INFANTS.—

(1) IN GENERAL.—If a State described in subsection (b) provides the certification required in subsection (a) and is receiving funds under part B of title XXVI of the Public Health Service Act for a fiscal year, the Secretary of Health and Human Services may (from the amounts available pursuant to paragraph (3)) make a grant to the State for the fiscal year for the following purposes:

(A) Making available to pregnant women appropriate counseling on HIV disease.

(B) Making available outreach efforts to pregnant women at high risk of HIV who are not currently receiving prenatal care.

(C) Making available to such women testing for such disease.

(D) Offsetting other State costs associated with the implementation of the requirement of subsection (a).

(2) EVALUATION BY INSTITUTE OF MEDICINE.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall request the Institute of Medicine of the National Academy of Sciences to enter into a contract with the Secretary for the purpose of conducting an evaluation of the extent to which grants under paragraph (1) have been effective in preventing the perinatal transmission of the human immunodeficiency virus.

(B) ALTERNATIVE CONTRACT.—If the Institute referred to in subparagraph (A) declines to conduct the evaluation under such subparagraph, the Secretary of Health and Human Services shall carry out such subparagraph through another public or nonprofit private entity.

(C) DATE CERTAIN FOR REPORT.—The Secretary of Health and Human Services shall ensure that, not later than after 2 years after the date of the enactment of this Act, the evaluation required in this paragraph is completed and a report describing the findings made as a result of the evaluation is submitted to the Congress.

(3) FUNDING.—For the purpose of carrying out this subsection, there are authorized to be appropriated $10,000,000 for each of the fiscal years 1996 through 2000. Amounts made available under section 2677 for carrying out this part are not available for carrying out this subsection.

Mrs. KASSEBAUM. Mr. President, I rise to offer this amendment on behalf of myself and Senator KENNEDY, the ranking member of the Labor and Human Resources Committee. This amendment is aimed at preventing the prenatal transmission of HIV from mothers to newborn infants. Because new research findings show that when pregnant women with HIV take AZT—which is a treatment that shows positive results for those who have contacted the AIDS virus—it can protect their infants if taken at the right time. I believe we should make testing and treatment available to all who could benefit from this approach. Our amendment would begin to meet this objective.

As many of my colleagues know, the Centers for Disease Control and Prevention recently released guidelines for voluntary HIV counseling and testing of pregnant women. These guidelines call for health providers to offer HIV testing to all women.

The CDC guidelines were developed after recent research showed that HIV transmission to newborns from infected mothers could be dramatically reduced. If pregnant women with HIV take AZT during pregnancy, they can decrease the transmission rate to their newborns from 25 to 8 percent—this is a dramatic reduction.

In response to these findings, and from a desire to protect the health of newborns, the amendment we offer would require States with the greatest number of HIV-infected newborns to implement the CDC guidelines. Under this proposal, 11 States plus the District of Columbia, which account for 80 percent of all newborn HIV cases, would qualify to receive grants from the Public Health Service to help offset some of the costs of testing and treatment.

I offer this amendment as an alternative to a proposal which is being advanced in the House of Representatives, by Congressman COBURN of Oklahoma. To address this problem, the Coburn amendment would test newborn infants for HIV. I believe this is the wrong approach. It seems to me that it is most important that we test the mother at a time in the process in which we could potentially intervene. The Coburn amendment would allow for voluntary testing of the mother but would mandate testing of those babies whose mother had failed to be tested during her pregnancy. I regret that, under the Coburn amendment, it seems to me, that testing of newborns would not prevent HIV transmission. This why I think it is important to start the process at an earlier period of time, rather than after the birth of the newborn infant.

As many of my colleagues know, I would actually prefer mandatory testing of all mothers during pregnancy for HIV. I support such an approach because I believe it would be the most effective way to prevent HIV transmission to newborns. However, I am not advancing a mandatory testing approach at this time because of the concerns that have been raised by many. These include increased Federal Medicaid expenditures, unfunded State mandates, and a decrease in pregnant women seeking prenatal care.

For all of those reasons I decided it was best to not make it mandatory, but to follow the CDC guidelines in the 11 States where 80 percent of the cases have, in the past, occurred. I believe this amendment, which will provide funding to States to implement the voluntary CDC HIV counseling and testing guidelines, and is an effective way to protect our Nation's newborn infants. As such, I urge colleagues' support for this measure.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I rise in strong support of the amendment put forward by the Senator from Kansas. It represents a responsible approach to an important issue. I am pleased we are taking action on it at the outset of this debate. The CARE Act is about providing health care and

hope to people living with HIV disease. It is about making the promise of advances in biomedical research a reality in the lives of our fellow Americans in need.

Research has demonstrated we can reduce the transmission of HIV from mother to child by providing HIV positive pregnant women with AZT, during the second or third trimesters of pregnancy and during delivery. In so doing, we can save young lives and help keep families together.

In response to this important discovery, public health officials and maternal and child health care providers have worked closely with the Centers for Disease Control to design guidelines for standards of medical practice that will help to maximize the impact of this discovery. Earlier this month, the CDC issued guidelines recommending that all pregnant women receive counseling about the benefits of seeking HIV testing, and that such testing be made available on a voluntary basis.

Where this is currently being done, more than 95 percent of the women have sought voluntary HIV testing. I think that is really the heart of this whole amendment that Senator KASSEBAUM has talked about.

We have a nationwide problem. The amendment is focused in the areas where there is the greatest need, and has been encouraged by voluntary counseling. And where we get the voluntary testing and where we have the appropriate kind of counseling consistent with the CDC guidelines, you get 95, even higher percentage. Dr. Koop, who has been working in this area, talks about areas and communities that are up to 98 percent, which is what, obviously, we are interested in doing. If effectively implemented, the guidelines will make a tremendous difference.

So the amendment offered by the Senator from Kansas will ensure that these guidelines are implemented in those States with the most significant problems. We know that more than 80 percent of the cases of pediatric AIDS occur in 11 States, including my own State of Massachusetts. The amendment will ensure action by these States. It authorizes funds to assist them with that action.

This approach is supported by the Academy of Pediatrics, the American Medical Association, the March of Dimes, the Governors, the State Health Officers, the State AIDS Directors, the Pediatric AIDS Foundation, and a host of other public health and social service organizations.

We talked with Dr. Koop yesterday, who strongly supported this action as the most responsible means of moving toward this important issue.

So, Mr. President, I urge the Senate to accept it. I think what we have found out in the whole battle on AIDS is where we work toward encouragement and work with consultation and counseling, we get a very positive response. That is what this particular measure does. If we were to come back in a more compulsive situation which has been recommended by others, what has happened—and the data reflect this—is that there is less of a desire and willingness to move ahead and get the test.

This I think makes sense from a public health point of view. It makes particular sense with regard to the children. And it makes sense from a scarce-resource point of view.

So I commend the Senator for this amendment and urge its adoption. I think it is a very, very important one. It is the a result of research that has been going on at the Centers for Disease Control.

We have 7,000 infants that are born each year that are HIV. Three-quarters of those will be free and on their own within about a year or a year and a half. But, as the Senator's amendment points out, with the addition of AZT treatment, that number comes down to only about 8 percent.

So the way that the Senator has proposed I think maximizes the opportunities to help and assist the infants, and also will get them the most positive response and do it in a way which is financially most responsible.

I commend her for this approach and urge our colleagues to accept this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Mr. President, I do not know how anybody can oppose this. I certainly support it. I think that we should expedite the consideration of this bill by letting all amendments possible be approved on voice vote, and not get into any high-jinks about second degree. I am not going to second-degree anybody's amendment. We can save a lot of time if we do not get involved in that, and can get this Ryan White bill behind us.

I certainly approve of this amendment. I urge its adoption.

Mr. HATCH. Mr. President, I rise in support of the Kassebaum-Kennedy amendment to S. 641 which essentially adopts the guidelines of the U.S. Public Health Service [PHS] which require counseling and voluntary testing of pregnant women who are at risk for HIV infection.

The PHS has issued guidelines in the following areas: Information for both infected and uninfected pregnant women which will help improve their health and that of their infants; laboratory considerations involved in HIV testing of these populations; and necessary follow-up services for HIV-infected women, their infants and other family members.

The guidelines released this month by the PHS are an excellent model. They recommend that health care providers ensure that all pregnant women are counseled and encouraged to be tested for HIV infection. This will allow women to know their infection status, which can both help them maintain their own health and reduce the risk for perinatal HIV transmission.

The guidelines also emphasize that HIV testing should be voluntary. Health care providers should counsel and offer HIV testing to women as early in pregnancy as possible so that informed and timely therapeutic and reproductive decisions can be made.

The issue of mandatory testing is one I have studied in great detail. I understand the reasons why requiring mandatory testing of pregnant women or newborns may seem like a good idea. However, I have concluded, that such a mandate, while well-intentioned, often has the opposite effect of turning those women who are most likely to be infected with the HIV virus away from the system.

The issue boils down to access and trust; mandatory testing accomplishes neither.

My reasoning is as follows:

The idea of mandatory testing creates a great deal of apprehension and fear in precisely those women whom we would want to test.

Some women fear that if there were mandated testing, it may not be accompanied by necessary informed consent.

Others fear they may not be informed of the results of their HIV status.

We unfortunately have a tragic precedent for this with the infamous Tuskegee experiments; African-American men in the South were tested for syphilis and were not treated if found to be positive for the disease. The fact that they were uninformed about the testing and not treated, continues to tarnish the reputation of the public health establishment.

For many, especially the poor who utilize the public health system, there is often very little trust of a system which is not responsive to their health care needs, poorly staffed, over-crowded and ill-equipped to provide the necessary services.

Mandating treatment for all pregnant women independent of their risk factors for HIV significantly increases the rate of false positive results.

In other words, due to the sensitivity and specificity of testing for HIV, indiscriminate mandatory testing increases the likelihood that women who are falsely positive will be treated.

And, as I understand it, while AZT is a potentially life saving medication which has helped literally thousands of people, it is not without significant side-effects and morbidity. We should not be subjecting individuals who may not be HIV positive to unnecessary treatment.

Mandating testing without providing the treatment merely sets up the largely false expectation that services will be provided.

This would be a cruel hoax for those individuals who may test positive and not have the access to appropriate medical services.

Scientific prospective clinical trials reveal that early detection of HIV-infected mothers and subsequent treatment with AZT reduces the transmission rate of HIV to the newborn by a third.

The key to prevention and appropriate treatment is education and counseling of the pregnant woman.

I think that the Kassebaum-Kennedy amendment address these issues in a responsible way.

This amendment shows that the Senate is on the side of counseling and voluntary testing as advised by our Nation's top public health experts. Education and prevention remain our best weapons against this horrible epidemic.

I thank Senators KASSEBAUM and KENNEDY for developing this dialog, and hope this amendment is a position we can maintain in conference.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1852) was agreed to.

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

Mrs. KASSEBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. KASSEBAUM. Mr. President, I appreciate the comments of the Senator from North Carolina. I am glad to start off with such a positive amendment and share with him that I think it is important to debate these amendments, just the value of amendments as they are presented. I think that we both share the desire to move forward on this legislation. I appreciate the comments of the Senator from North Carolina.

Mr. HELMS. I thank the Senator from Kansas.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

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

Mr. President, as the Senate proceeds to the consideration of the proposal to reauthorize the so-called Ryan White CARE Act of 1990, there are so many ironies, that I feel obliged to call attention to some of them. Although the homosexual activists of America have created a virtual minefield for any Senator who dares raise a question about the legislative history of this proposal.

These homosexual activists have managed to convince the news media, and a surprising number of Senators, that it is irrelevant to talk about who and what really caused the death of Ryan White—Ryan White, the 18-year-old hemophiliac who died of AIDS because tainted blood was pumped into his veins, blood that was tainted in the first place by a homosexual conduct somewhere generations back.

The Centers for Disease Control was quite candid in the early 1980's as to when and how the AIDS disease was brought to America. The CDC may be somewhat politically correct now.

In any event, I have in hand a volume which I obtained on loan from the Library of Congress, a book authored by Randy Shilts entitled ''And the Band Played On.'' Newsweek magazine described this book in 1987 as ''compelling and often shocking, impassioned, and path breaking, the best book yet on AIDS.''

The Washington Post described it as ''a monumental history.''

Time magazine called the book ''stunning and impressively researched, a richly detailed narrative.''

The Chicago Tribune described it, ''It reads like a good medical sleuth story. But it is not fiction. It is a painstakingly detailed history.''

Mr. President, let us emphasize how virulent the AIDS virus is. A Canadian airline flight attendant, who knew he had AIDS and whose name is a matter of record, flew into the United States, and over a period of time—I am quoting from page 147 of Mr. Shilts' book—the Canadian airline flight attendant ''established sexual links between 40 patients in 10 cities. The role played by the flight attendant was remarkable,'' Mr. Shilts says. And he continues, ''At least 40 of the first 248 homosexual men diagnosed with HIV or AIDS in the United States as of April 12, 1982 either had had sex with the flight attendant or had had sex with someone who had.''

Mr. Shilts continued, ''The links sometimes were extended for many generations of sexual contacts, giving frightening insight into how rapidly the epidemic had spread before anybody knew about it.''

Mr. President, I include those details to emphasize the virulence of HIV, AIDS, and it has been that way since the very beginning. Yet, I know of not one homosexual organization that has advocated abstinence from engaging in the incredibly offensive and revolting conduct that has led to the proliferation of AIDS; not to this good day has there been even a hint that abstinence should be followed. No. The homosexual activists have gone precisely in the other direction, demanding more and more Federal funds for research and special funding for personal care available to no other Americans suffering and dying of other diseases like cancer, heart disease, diabetes, and Alzheimer's.

This is a unique piece of legislation. It was in 1990, and it still is. There has never been a bill like this for any other disease.

The ferocity of the lobbying and the intensity of media criticism of anyone raising a question about all of this has caused many in Congress to go along with the questionable demands of the homosexual lobby.

I myself, Mr. President, have taken the heat, but I will not be deterred. The Senate probably will pass this bill again, and the House has already passed it. And it may become law because President Clinton will rush and sprain his ankle grabbing a pen to sign it.

I have intended to have my say, and I have intended to offer a number of amendments for the consideration of Senators to vote for or against as they please. But I think the Senate ought to go on record.

Let us examine some of the support the American taxpayers are forced to give to a comparison of diseases. Let us start off with AIDS.

This year, $2,700,000,000 for AIDS. That is the tab Congress has demanded that the American taxpayers furnish.

That is more money than for any other disease.

The Congressional Research Service breaks down the money like this:

This year, $1.548 billion for research, $491 million for so-called prevention or education programs—and I will get into that in just a minute—and $664 million for treatment. And this is only for fiscal year 1995.

The fiscal year 1996 request totaled a whopping $2.9 billion —$1.819 billion for research, $526 million for prevention or education, and $555 million for treatment programs.

Now, the disease AIDS ranks No. 8 in America among all of the diseases in terms of causing death. The No. 1 killer is heart disease followed by cancer, followed by stroke and lung disease, diabetes, Parkinson's disease, Alzheimer's, and so forth.

But do they get money like this? No. AIDS is No. 8—No. 8—yet AIDS gets more Federal money than any of the other diseases. If memory serves me correctly, the original 1990 Ryan White bill was funded with money taken from a fund originally allocated for Alzheimer's disease. The Federal Government spends $91,000 for every patient who dies of AIDS. The Federal Government spends $5,000 for each American who dies of cancer.

I know the advocates of this Ryan White reauthorization bill will claim that comparisons are odious, but there is a great big odor rising from the manner in which Congress is falling all over itself to do what the homosexual lobby is almost hysterically demanding that Congress do.

Now, then, I am a little bit fascinated by a clause in this existing bill that is now the pending business, language which authorizes—and let me quote from the bill—''appropriations of such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, 1999, and 2000.''

Supporters of the bill say, ''Oh, well, do not worry about that, Jesse. That does not mean anything. It still will have to go through the authorization and appropriations process each year.''

Well, if that is so, Mr. President, if it does not mean anything, let us take out that reference to ''such sums as may be necessary.'' I will bet you a quarter not one of the proponents will agree to that. Of course, it means something.

While I am at it, let me raise a question about the provision in this Ryan White bill's title V which creates new education and training centers related to homosexuality and AIDS.

Mr. President, this bill is silent in seven languages about teaching the importance of abstinence. It is not even mentioned. Abstinence, I say again and again and again, is the only way AIDS will ever be brought under control. And the activists do not even use the word or permit it to be used.

There is general agreement among scientists that the biggest risk for contracting HIV or AIDS is the number of sexual partners homosexuals have. The more promiscuous a homosexual, the greater his risk of contracting HIV or AIDS, and, by the way, infecting innocent people like little Ryan White, whose name is being exploited in this legislation, who had nothing to do with that. He was innocent.

Reliable surveys, Mr. President, show that many homosexuals average 16 different sex partners every month, 182 partners per year. And my source for that is a document ''Hepatitis B Cohort Study of 1980,'' and I have it available for any Senator who wants to see it.

Now, is it not clear, Mr. President, that AIDS is a chronic disease of sexually promiscuous people? And a lot of innocent people like Ryan White are caught up in it, unknowingly and without any misconduct on their part.

Let me move on. Mr. President, you would not believe the stonewalling that has been going on in and by the Clinton administration to prevent my staff and me from obtaining statistical information about how these millions and billions of dollars of the taxpayers' money are to be spent and have been spent in the past. You call HHS—and we have the date and time and the name of the people we talk with—and they say they do not know, that there is no monitoring going on.

Stonewalling, that is what we have. But I say this, and I say it with all the sincerity I possess, that before the Senate Appropriations Committee acts on this bill, S. 641, I hope Senators HATFIELD and BYRD and all of the members of the Appropriations Committee will insist on credible documented information about who has received the Ryan White funds since the enactment of the 1990 version of the Ryan White CARE Act.

That is all I ask. If Senator ROBERT C. BYRD says it is all right, after he has looked at the information, I will be reasonably satisfied because I trust Senator BYRD. We do not belong to the same party. We do not agree on everything. But I respect him as an honorable gentleman. I think the American people will be appalled by what their hard-earned tax dollars are supporting in fact. Nobody knows now. I am sure NANCY KASSEBAUM has no idea what is going on because I know this lady. I know her inclinations, and I know her character. But a lot of things are going on that have not been discussed or disclosed to the Congress of the United States let alone the American people.

For example, I have a brochure from the Gay Men's Health Crisis.

By the way, I hate to use the word ''gay'' in connection with sodomy. There is nothing gay about these people. ''Gay'' used to be a beautiful word. It has been corrupted, but that is another argument for another day.

This Gay Men's Health Crisis organization put out a brochure describing various and sundry methods of homosexual sex. Now, I have been around the track a long time, and I have seen a lot of things in my lifetime, but I can just imagine how the average American would react if they could see what this is all about. Not once—I reiterate, not once—is abstinence mentioned as the way to avoid HIV infection. They do not want abstinence.

Senators may be interested in an advertisement by another homosexual outfit, the so-called Whitman Walker Clinic in Washington. This advertisement says: ''If you visit a bath house remember to always use a latex condom. Used properly latex condoms prevent HIV, AIDS and other sexually transmitted diseases.''

Now, this statement is blatently false. It is inaccurate. It is misleading. And yet taxpayer funds are being used to circulate this falsehood, giving false hope to homosexuals in their many and various liaisons.

Then there is the Washington Blade, which is a homosexual newspaper published here in Washington, DC. They have a pink section they call Lights Out. The implications are obvious on that. This pink ''Lights Out'' section is dedicated exclusively to advertising for anonymous dates, sexual encounters. No names are given. You just pick this one that sounds good to you, and there you go. Decency prevents me from reading the so-called classified ads out loud on the Senate floor. Suffice it to say here comes the Whitman Walker Clinic again. This time implying, ''Just do it, but do it with a condom.'' And they know that is not so. They know that it is not so. The Whitman Walker Clinic, which receives Ryan White CARE Act money from the American taxpayers, who care for people with HIV or AIDS, leads homosexuals to believe that as long as you use a condom it is safe to have anonymous sexual encounters.

Now, what kind of use of the American taxpayers' money is that? People say, it is hateful for JESSE to talk about this. But somebody needs to talk about it. Somehow the American people need to know and deserve to have an understanding of what is going on, not get up here with all of the plaintive remarks about Ryan White. Let us talk about what killed Ryan White. Who furnished the tainted blood? Where did it come from? I met the little boy one time. I was sorry for him then, and I am sorry that he is dead now. But it was not accidental. There was somebody who did not care, who furnished tainted blood.

Now, the Gay Men's Health Crisis and the Whitman Walker Clinic are not the only such homosexual outfits receiving Ryan White funds advocating so-called safe sex. As I said earlier, I do not believe Senators could possibly believe the stonewalling by the Clinton administration to prevent us, my staff and me, from obtaining accurate, verifiable statistical information on precisely how these millions and billions of dollars have been spent and will be spent. I think it is a legitimate question for the legislative branch to ask the executive branch. But not the Clinton administration. Nobody. That is off limits. They have got a deal. The Senate is debating whether or not to reauthorize this act for appropriations of such sums as may be necessary, and nobody can tell me and nobody can tell the American people exactly where this money is going and for what it is being spent.

Oh, you hear all of the wonderful stories about how these people say it is being spent. And I suppose some of it is being spent for good purposes. But Congress does not monitor this, and HHS will not let anybody monitor it. So it is sort of a closed shop, do you not see?

Incidentally, speaking of the word ''care,'' I have been the butt of a lot of diatribes lately, like the New York Times, which put words in my mouth that I had not said. And these editorial writers around the country somewhere along the line gave up this responsibility of checking for themselves what the facts are and what was really said. They pick up a report from the New York Times, and they rush to their little hot typewriters or little hot microphone or camera and say, ''Oh, you cannot talk about this. This is a hateful thing to do.''

It is all right with me what they say. I do not care. I do not talk to them much anyway because they will take a snippet here and a snippet there and about 5 seconds here and 5 seconds there, and they will make the quote say what they want it to say. The first amendment does not require that they be honest or fair about anything.

For the record, Mr. President, let me say that I do not hate anybody, but I have been accused of it in editorial after editorial. I do not hate homosexuals. I do not even know any homosexuals. But what I do not like is for the Congress of the United States to bow and scrape to homosexual pressure and give them Federal funds and rights and privileges that other Americans are denied. That is what I do not like. And, yes, Mr. President, I have a deep sympathy for homosexuals who are dying of AIDS because of their having deliberately—deliberately—placed their lives at risk. I have deep sympathy for anybody who sticks a loaded pistol in his mouth and pulls the trigger. You are playing Russian roulette

either way. And homosexuals are losing and losing and losing, and they do not want to talk about abstinence.

Now, homosexuals know the risk they are running with their sexual conduct. They go on television programs. I saw one or two on ''60 Minutes'' the other night, 2 or 3 weeks ago. They discussed why they just cannot abstain and why it is so much more intimate not to try to protect themselves from being infected with AIDS or preventing others from being infected. They are not interested in abstinence. They are not interested. In all candor, Mr. President, when you get down to the guts, feathers and all, they do not give a damn.

But the rest of us do. A lot of us are sick and tired of all the pretenses of injured innocence. They are not innocent. They know it. And that is why they are so belligerent in their demands that homosexuality be accepted as just another lifestyle—indeed, a specially protected and encouraged lifestyle. And that is not a reckless statement because I am about to explain what I mean. I do not believe they will ever sell that bill of goods to the American people.

But back to Senator HATFIELD, the distinguished chairman of the Senate Appropriations Committee, and Senator ROBERT C. BYRD, who has served with distinction as chairman of that committee in the past, and he serves now, of course, as ranking minority Member. The Department of Health and Human Services has declined to make any useful information available to my staff or me. They say they have no records of how many homosexual advocacy groups receive or have received Ryan White funds. They have no record of what they do with it. But to that I say, why? Why? And I think the American people are entitled to say, why? It is not HHS money. It is not JESSE HELMS' money, and it is not NANCY KASSEBAUM's and certainly not TED KENNEDY's money, or any of his aides'. It is the American people's money. They have a right to know the full information.

Senators HATFIELD and BYRD and other members of the distinguished Senate Appropriations Committee might start by inquiring officially and formally how much Federal money was delivered to, for example, the Gay Men's Health Crisis Organization in New York, or right here in Washington, how about the homosexual outfit, the Whitman Walker Clinic? Surely, the Appropriations Committee is entitled to know. Surely, the Members of the Senate are entitled to know.

During the past 15 years, Mr. President—and I shall conclude shortly—AIDS has killed 270,000 people in this country.

Heart disease kills more than that in less than 5 months. Less than 2 percent of the deaths last year in America were the result of AIDS.

I go back to Ryan White. I was sorry for that young man then, and I am sorry for him now. He died at age 18 of AIDS, a disease that he almost certainly contracted from that tainted blood that had its origin as a result of that homosexual airline flight attendant who was the first documented instance of the AIDS disease being brought into North America from Africa.

We will never know, of course, the precise list of individuals who passed the HIV virus along—in what they call the generational series of homosexuals—to drug users, and one or more of them contributed to that blood transfusion that Ryan White got.

But you know one thing, they were involved in it and they know it, too, but they want to obscure that. They usually go around Ryan White to attract sympathy for them, undeserved sympathy. I am talking about the ones who have not caught it yet, but they are playing Russian roulette and they want the discovery to be made so it will be safe for them. I do not think there is ever going to be a protection of that nature developed by science. I find myself hoping that it will be, but I just do not believe it is going to happen.

Ryan White was without blame. He was a hemophiliac who had to have a blood transfusion, but he did not deserve a fatal tainted blood transfusion.

Ryan White was innocent, and I pass no judgment on any member of his family or any other family who has lost in such a way a member of their family. I do not have any real problem—I do not understand it—but I do not have any problem with Ryan White's name being exploited by the kind of people who have acknowledged that they either cannot or will not even try to restrain their impulses to prevent the further spread of AIDS.

Michael Fumento, an associate of the Competitive Enterprise Institute in Washington, has written a book that all Senators should read, but probably will not. The name of the book is ''The Myth of Heterosexual AIDS.''

I wish some of the people in the press gallery would read it. Mr. Fumento relates that he called the offices of a number of Senators to inquire about the fairness of devoting so much of the taxpayers' money to one disease at the expense of other diseases. He said he asked in each Senate office for a statement on the fairness of it all. And then he wrote:

> Wonder of wonders, I got no answer.

He concluded this way:

> And while several Senators claim that as President they would be tough enough to deal with America's foreign adversaries, when it comes to AIDS activists, they go crawling for the deepest foxhole.

I am not looking for a foxhole. What I want is for the American people to be informed as to how this money is to be spent, where it is to be spent and by whom it is to be spent. Do not take the word of Senators who say, ''Well, we had in our State this situation,'' or others, ''We had our situation and it's terrible,'' and so forth and so on. Of course, it is terrible, but that does not address the problem. Let us find out how this money is being spent. That is all I have said at any time along the line. No foxhole for me. We will find out sooner or later what happened.

Mr. President, I ask unanimous consent that an op-ed column written by Mr. Fumento, published on June 19 by the Washington Times, be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HELMS. Mr. President, for the guidance of the clerk, the headline in the article is ''Bill Oils the AIDS Squeaky Wheel.''

Mr. President, I yield the floor.

EXHIBIT 1

[From the Washington Times, June 19, 1995]

BILL OILS THE AIDS SQUEAKY WHEEL

(By Michael Fumento)

Grab your wallet, folks! The Senate is about to demonstrate its boundless compassion again by spending billions of your dollars. But this time it won't just be unfair to taxpayers but to the great majority of Americans suffering from serious diseases.

The subject of this latest act of largesse is the cynically named Ryan White Act, which is up for reauthorization. With 58 co-sponsors, its Senate approval is virtually guaranteed, though for the moment its passage is blocked by North Carolina Republican Sen. Jesse Helms.

Enacted in 1990, ostensibly to provide care for such victims as Ryan White, the measure was a sham from the start. Young Ryan White was a hemophiliac who won the heart of the nation after he contracted AIDS. He died at age 18. But only 2 percent of AIDS victims in 1990 were hemophiliacs, according to the federal Centers for Disease Control and Prevention. Today it's 1 percent. Less than 2 percent of AIDS victims are under the age of 20.

One wonders how the bill would have fared had it been named the Robert Mapplethorpe Act, after the late homosexual photographer famous for such depictions as bullwhips extending from people's posteriors.

The Ryan White Act was also sold as a means of helping, as National Commission on AIDS Chairwoman June Osborne put it, the ''many parts of rural America [that] are about to be blind-sided by the epidemic.'' Yet then, as now, cases from non-metropolitan areas amounted to 5 percent of those reported.

Predictably, almost all of the money went to those places that had the most AIDS cases. This means not Ryan White's town of Cicero, Ind., but rather New York City, Los Angeles, San Francisco and other areas that also happened to be Democratic strongholds. In other words, it followed the same supply lines as all the Democratic pork of that era. The money went for those who make up the bulk of AIDS victims: homosexual men and intravenous drug abusers.

Further, even on a per-patient level, the bill resulted in allocating several times more money per victim in larger cities than in less-populated areas.

Misnaming and misrepresenting the act has paid handsomely. In its first five years, spending more than doubled from $276 million in 1991 to $664 million for this year, for a total of over $2 billion.

This time around, the bill is sponsored by Kansas Republican Sen. Nancy Kassebaum. When I called her office, her aide cited—

yes—the rural AIDS bogeyman. One wonders if the good senator knows that Kansas has all of 245 AIDS cases last year, just 3 percent of the national total. Of those, eight were children.

In fairness, Sen Kassebaum has rewritten the act so that more money will be authorized for rural areas. But with so few patients there, the money must necessarily flow right back through the old pork pipeline established in 1990.

The biggest difference this time is that the estimated cost will balloon from slightly more than $2 billion to $3.6 billion. This even though the AIDS epidemic is declining. New AIDS cases are being reported at a rate well below the 80,000 of last year.

Yet even if the bill weren't such a budget-buster, it would be terribly wrong.

Ryan White provides no money for medical research, so no one will ever be cured of AIDS with all those billions of spending. Along with some allocations for education that are redundant with the $500 million federal AIDS education budget, the Ryan White Act simply provides money for treatment, drugs, free meals, in-home care and the like.

It's nice that sick people can get such services regardless of their income levels. But for anybody with any disease besides AIDS the sign on the door reads, ''Go away!'' There is no Gilda Radner Act for victims of ovarian cancer, no Ronald Reagan Act for Alzheimer's disease patients. Some elderly and indigent people with such diseases can qualify for programs like Medicare and Medicaid, but then so can AIDS patients.

No, the Ryan White Act was a gift to one extremely squeaky wheel. Not content with a medical research budget that dwarfs that of every other disease but cancer—despite being only the ninth-greatest killer of Americans—the AIDS activists demanded and got privileges that persons with other diseases can't even dream about.

Quite simply, the homosexual activists want special treatment because they themselves, and their friends, have an extraordinary chance of contracting the disease. Somehow they have translated ''Gimme! Gimme! Gimme!'' into a cry for compassion. Long gone are the days when AIDS activists begged merely to be treated no worse than the victims of diseases not associated with behaviors society finds distasteful.

I called the offices of both Sen. Kassebaum and the other Kansas senator, Bob Dole, for a statement about the fairness issue. Wonder of wonders, I got none. To a Congress always eager to take money from all of us and give it to some of us to buy votes, fairness is a four-letter word. And while several senators claim that as president they would be tough enough to deal with America's foreign adversaries, when it comes to AIDS activists they go crawling for the deepest foxhole.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I would like to answer, some of the questions that were raised by the Senator from North Carolina. I know how much Senator HELMS genuinely cares about this issue. I would like start by saying that many of the 64 cosponsors of this legislation were cosponsors of the legislation in 1990. So they, I hope, are familiar with what was in the bill then and what is in the bill now.

We have had a through hearing on this bill. A GAO report on the funding equities and distribution, which had been requested by Senator BROWN of Colorado and myself was used as the basis for that hearing. The report had been requested because of our concern about equity of funding for all individuals with AIDS.

I share with Senator HELMS a concern about the fact that sometimes we are not able to do the type of oversight that we should, but with the hearing and the GAO report we were able to propose in this bill changes to provide equity in the distribution of funds.

It is sad, but true, that there are many who have been victims of HIV. Some individuals like Ryan White contracted this disease through contaminated blood. Unfortunately, this illness has had a ripple effect with involvement of individuals from many walks of life but also the family members of those infected have also suffered. So we have to be mindful of all who have suffered. I think that this epidemic must be viewed in the broader sense of the epidemic and the tragedy.

Senator HELMS quoted figures related to the amount of money that has been expended for the major causes of deaths in this country. I lost a niece, several years ago to cancer. She had two small children. I remember through the years of her struggle with cancer discussing Federal Government funding levels for cancer. She questioned why there could not be more expended for cancer research than we were spending on AIDS. I spent time researching this important question in hopes of finding an answer. One thing that became apparent to me was that money that goes into research for HIV is also very valuable for other illnesses like cancer.

The figures that Senator HELMS gave were only for research, and I would like to give figures that include not only the research expenditures but also the moneys that come from Medicare, Medicaid, Social Security disability funding, and the Public Health Service moneys. For HIV and AIDS, it is about $5.4 billion a year; for cancer, about $15 billion a year; for heart disease, about $34 billion a year.

One of the reasons that the Ryan White CARE legislation came into being, Mr. President, was to help provide assistance to those who were not eligible for Medicare; because they were not yet of age to receive Medicare or to receive Medicaid, because they had an income level which would not allow them to qualify. As we all know such medical care services even those that are basic can be very costly.

That was the genesis of the Ryan White legislation. It has grown significantly in funding since 1990, but so have the number of AIDS victims.

I suggested in 1990 that we do such sums. I do not think that this a good approach for defining the level of authorizations. I would propose an amendment, if this would be of any benefit, to say define the funding level for the first year which would be consistent with the appropriated levels reported recently by the House of Representatives. The House appropriation figure just recently passed is $656 million for 1996; then such sums in the following years. At least that puts a benchmark which gives some consistency between the House and Senate.

Senator HELMS mentioned a new title, title V, which was is slated to receive a small amount of funding, $17 million, in this year's authorization. I would like to explain this program a bit further. Title V is for AIDS Education Training Centers [AETC]. This title is not new. It has been moved from the health professions bill to this legislation. It seemed appropriate to consolidate those efforts related to AIDS into one legislation.

AETC's are not a new program. It has been funded for many years. Under this program, health providers are educated and trained in the best ways to treat individuals with AIDS, particularly children and women. Given the complications and numerous illnesses which individuals with AIDS often acquire, health providers benefit from this type of education. I believe that patients also benefit from better trained physicians and other providers. This explains why there is a new Title V, although we must remember that this is not new, but rather a program moved from the Health Professions program to this legislation.

Mr. President, this is not a piece of legislation that is enthusiastically embraced by everyone. It raises fears. It raises concerns. It certainly raised emotional levels and questions of morality, which Senator HELMS has noted.

I think the Senator from California earlier today, Senator FEINSTEIN, spoke with real eloquence, of two people she personally knew, and how it affects so many. Sometimes people who do not fit the pattern that Senator HELMS has mentioned are also infected.

AIDS touches people, not only those who are ill and/or dying, but it touches many others as well. That is why the Ryan White bill came into being—not to take his name in vain. The intention was to provide services that could be of help to families who are suffering—and to patients—who are infected with this disease.

I yield the floor. I do not know whether there are other amendments to be considered.

AMENDMENT NO. 1853

(Purpose: To require spousal notification in cases in which an individual is diagnosed with infection with the human immunodeficiency virus)

Mr. HELMS. Mr. President, I have some amendments to come before the Senate. I do not intend to second-degree anybody else's amendment, and I hope we can just have up-and-down votes and get this bill out of the way.

Now, Mr. President, I send an amendment to the desk and ask it be stated.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1853.

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

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

The amendment is as follows:

At the end, add the following new section:

SEC. . SPOUSAL NOTIFICATION.

(a) PROHIBITION ON THE USE OF FUNDS.—The Secretary shall not make a grant under this Act to any State or political subdivision of any State, nor shall any other funds made available under this Act, be obligated or expended in any State unless such State takes administrative or legislative action to require that a good faith effort shall be made to notify a spouse of an AIDS-infected patient that such AIDS-infected patient is infected with the human immunodeficiency virus.

(b) DEFINITIONS.—As used in this section—

(1) AIDS-INFECTED PATIENT.—The term ''AIDS-infected patient'' means any person who has been diagnosed by a physician or surgeon practicing medicine in such State to be infected with the human immunodeficiency virus.

(2) STATE.—The term ''State'' means a State, the District of Columbia, or any territory of the United States.

(3) SPOUSE.—The term ''spouse'' means a person who is or at any time since December 31, 1976, has been the marriage partner of a person diagnosed as an AIDS-infected patient.

(c) EFFECTIVE DATE.—Subsection (a) shall take effect with respect to a State on January 1 of the calendar year following the first regular session of the legislative body of such State that is convened following the date of enactment of this section.

Mr. HELMS. Let me sum up this amendment. I think we had two votes against it the last time.

This amendment requires that States receiving Federal funds for AIDS education and prevention take specific legislative and/or administrative steps to make sure that spouses—that is, the wife or husband—of an individual infected with the HIV/AIDS virus, that the spouse be promptly notified.

Let me say why I think we ought to vote on this again. Some years back, 2 or 3, I forget how long ago, there were several circumstances that led me to draft this amendment at that time.

It began when I received a call from a young woman who worked on the House side of the Congress who said, ''Senator, my mother wants to come by and talk with you on a matter of confidence. She doesn't want you to ever use her name,'' and I shall not. They came, a lovely lady and her beautiful daughter. I shall never forget that visit. The meeting did not last long. After the usual amenities—and I had no idea what the lady wanted to discuss—but after the usual amenities, I seated them. The three of us began to discuss why she had come and what I might be helpful to her about.

At that point, tears welled up if that mother's eyes as she began to tell the story. She took a deep breath and stated the bottom line. She had AIDS, she said, ''and I am dying.'' Her bisexual husband, you see, had infected her with the AIDS virus. He had not informed her he was infected, and State law in her State forbade the family doctor from telling her—which I consider to be outrageous.

Now, Mr. President, we hear so much about protecting the confidentiality of AIDS-infected patients, yet we hear nothing about the fatal consequences of confidentiality laws. The homosexuals march in Washington, and they demand their rights, but what about the rights of this lovely lady and the thousands of others like her, potentially, who, through no fault of their own, have become infected with the deadly AIDS virus, or may be infected in the future?

Do they not have rights, too? Should there not be laws to protect the innocent spouses, instead of those who hide behind the confidentiality law and, as in this case, are causing others to die?

What a terrible tragedy. Only 12 States protect the lives of spouses of HIV-infected citizens, only 12 States. Eighteen States provide for notification of partners, but they are silent on the rights of spouses. What kind of fair play is that? And you know what I mean when I say ''partner.''

Does this not lead to the conclusion that some States may appear more concerned with protecting the interests of the HIV-positive spouse instead of the life of the unsuspecting innocent spouse?

This amendment does not require States to initiate a spousal notification program. It simply says that if States want Federal money, which they take from the taxpayer—if States want money to combat the AIDS virus, the AIDS disease, those States are going to have to make a genuine and concerted effort to protect innocent spouses from being exposed to the AIDS virus.

It is time to start treating AIDS as the public health issue that it is, rather than the civil rights issue that it has become. I have no doubt that if we take this step, it will help curb, to some extent at least, the spread of this lethal disease.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, maybe, as a clarification of what we did last year, it is my understanding that, in law, from what we had before, that each State is required to set up its own notification system. Is that correct?

Mr. HELMS. Not to my knowledge. But even if it is, if you will forgive me, it will not hurt the Senate to go on record again.

Mrs. KASSEBAUM. No, I have no problem—I was just asking the Senator if he knew if that was not correct that each State is required to set up its own?

Mr. HELMS. My expert is sitting to my left, and sometimes to my right as well, and she says she does not know about that. And so, of course, I do not.

Mrs. KASSEBAUM. Mr. President, I suggest the absence of a quorum for a minute until we look at the language and get some comparison, so maybe we can accept that.

Mr. HELMS. That is fine, just so there is no attempt to second-degree my amendment, because then we will have protracted debate.

Mrs. KASSEBAUM. No, I agree with the Senator. I know the effect of a second-degree amendment.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HELMS. Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I hope that this amendment will be accepted by the membership. I intend to vote for it.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT], is necessarily absent.

Mr. FORD. I announce that the Senator from Illinois [Mr. SIMON], is necessarily absent.

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 332 Leg.]

YEAS—98

Abraham	Daschle	Hollings
Akaka	DeWine	Hutchison
Ashcroft	Dodd	Inhofe
Baucus	Dole	Inouye
Biden	Domenici	Jeffords
Bingaman	Dorgan	Johnston
Bond	Exon	Kassebaum
Boxer	Faircloth	Kempthorne
Bradley	Feingold	Kennedy
Breaux	Feinstein	Kerrey
Brown	Ford	Kerry
Bryan	Frist	Kohl
Bumpers	Glenn	Kyl
Burns	Gorton	Lautenberg
Byrd	Graham	Leahy
Campbell	Gramm	Levin
Chafee	Grams	Lieberman
Coats	Grassley	Lott
Cochran	Gregg	Lugar
Cohen	Harkin	Mack
Conrad	Hatch	McCain
Coverdell	Hatfield	McConnell
Craig	Heflin	Mikulski
D'Amato	Helms	Moseley-Braun

Moynihan	Reid	Snowe
Murkowski	Robb	Specter
Murray	Rockefeller	Stevens
Nickles	Roth	Thomas
Nunn	Santorum	Thompson
Packwood	Sarbanes	Thurmond
Pell	Shelby	Warner
Pressler	Simpson	Wellstone
Pryor	Smith	

NOT VOTING—2

Bennett	Simon

So the amendment (No. 1853) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

UNANIMOUS-CONSENT REQUEST—S. 908

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate turn to the consideration of S. 908, the State Department reauthorization bill, immediately following the disposition of S. 641, the Ryan White bill.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I object. Let me just respond.

I was under the impression that we had an agreement that following the disposition of the Ryan White Act, we would go back to the legislation relating to gifts. That has been everyone's understanding. I am hopeful that we can do that. I think we are very close. I think we could work under a time agreement.

I had the opportunity to talk to a number of those who have been actively involved in the negotiations, and I think progress is being made. So there is really absolutely no reason at this point to move on to other legislation until we resolve that. I hope that all our colleagues will understand that and will persist in keeping to the schedule that everyone was working under the assumption we would have, beginning with the disposition of the Ryan White Act.

Mr. LOTT. Mr. President, if I might respond to the distinguished minority leader's comments, there is a lot of work underway on the gift rule issue. I think progress is being made. There are a couple of different packages that are out there, with some potential amendments pending. I do not think that we have come to closure on that, although we are continuing to work in a bipartisan way, and we have meetings later on tonight to see exactly where we are.

We would like to get some sort of understanding about what the procedure would be for it to come up. I think we are getting there, but I do not think we are quite ready to go to the gift rule issue yet. It may be that tomorrow we will be. I think the leader would like to do that, intends to do that before this week is out, and we will continue to move in that direction.

In order for us to make sure that we have legislation ready to go, we need to make this effort. But in view of the objection——

Mr. DASCHLE. Mr. President, if I can respond briefly, and I appreciate the explanation given by the Senator from Mississippi, I suspect what this means is there will be cloture motions filed. Frankly, I think the message that that sends is not the one that many of us would really like to see.

No one is holding up State Department authorization. No one is holding up foreign aid appropriations. No one is holding up any legislation of which I am aware. So to lay down cloture motions under these circumstances seems to me, first, premature, and then second, in violation of what I thought was an understanding we had on both sides that we would go to gifts.

There was not any axiom to that, any corollary that said it was only if we had some agreement about the procedure or about amendments that we would return to gifts. The issue was, would we do gifts and lobbying together this week? The answer was, yes, we were going to do that. Now we do not have that understanding. It is a violation, certainly, of the understanding that we have had on both sides.

So I am very disappointed, frankly, that the majority has seen fit to file cloture motions prior to the time we even have any appreciation as to whether or not there are objections to the bills themselves or even going to the bills. There are none, to my knowledge.

Mr. LOTT. Mr. President, I would like to say as one who has been actively involved in trying to move these negotiations along this week and feeling we made great progress and actually came to conclusion on a unanimous vote on a lobby reform bill—I wonder how many people would have thought that was possible 1 week ago. We did it.

We are now working feverishly to try to come to a reasonable agreement on the gift rule issue. There is no intent to not keep commitments, and the fact is to keep them. We would like to continue to do it in a low-key, reasonable and bipartisan way. We are going to do that.

The leader has every intention of us doing what we said we would do on gifts. He has kept his commitment to bring up both of them. We are working. I think what he is hoping for is that those of us who are involved would get to a point and say, ''Yes, we are ready to go back.'' Both sides right now would say we are not quite there.

Having said that, also with regard to the cloture motion, while you might say in the classic sense we have not had any filibusters this year, in fact every bill we have had up this year, with maybe one or two exceptions, has been very lengthy with hundreds of amendments. I really wonder sometimes how the Senate looks when we have 127 amendments pending on a bill. What happened to the committee process around here?

Mr. DASCHLE. Will the Senator yield?

Mr. LOTT. Without getting into a further argument on that, if we do not file a cloture motion now, then we would not be able to get a vote on that by Friday. If we are going to be able to complete very vital legislation before we leave for the August recess period, we have to complete the gift issue, hopefully we could complete regulatory reform, we have State Department authorization.

You would think we would all like to get to conclusion on State Department authorization. We have the foreign aid authorization bill pending, the DOD authorization bill pending, DOD appropriations and welfare reform, all of which we would like to get done. If we are going to get them done, we cannot spend a week each on every bill. I will be glad to yield.

Mr. DASCHLE. Just for a clarification. I am interested in knowing if the cloture motions are on the bill or the motion to proceed, and if they are on the motion to proceed, can the distinguished Senator from Mississippi inform us on the number of filibusters on motions to proceed to bills so far this year?

Mr. LOTT. They are both on the motion to proceed and in anticipation of likely resistance to proceed. Maybe it will not occur, but that possibility does exist and there had been some indications that might happen. Maybe it will not be necessary.

Let me say this, too. We always have the option—if we work out agreements, if we are making progress—we can vitiate these. But if we wait until Friday and we do have a filibuster on a motion to proceed and we are not making progress, it is too late then to file a cloture motion, and then we are over to Saturday or next Monday or next Tuesday.

I understand how the minority leader feels about this, and I know sometimes that filing cloture motions make it more difficult for us to sort of get together. But you must also understand, as the majority leader did in the previous Congresses, you have to try to find a way to move things along.

It is not easy. It is very hard. I had no appreciation whatsoever of what the majority leader is up against in the Senate, when Senator Mitchell was the majority leader. Now I have had a chance, being a little closer as the whip, to see what the majority leader goes through of either party, and it is a very tough job with the rules we have in the Senate.

This is not intended to slight anybody. It is not intended to make anybody mad. It is intended to try to have an opportunity to move the process along, and I hope that it will be taken in that spirit. The last time a cloture

motion was filed, I think it was vitiated. We did not go through with it. But we have to have that option, as we move this legislative process through.

Mr. DASCHLE. Mr. President, I will be very brief. Let me just say, I appreciate the answers given by the distinguished Senator from Mississippi.

He did not answer my question as to the number of votes cast, or I should say the number of cloture votes taken, or the number of filibusters actually endured as we consider the motion to proceed. If I recall, there is not one.

Last year and the year before, there were many occasions when the majority leader was compelled to file a cloture petition because there was a filibuster on the motion to proceed.

I will simply restate for clarification, we had an agreement. The agreement was we go back to gifts when this legislation is finished. We are in violation of that agreement, No. 1. No. 2, I think it sends the wrong message about the desire of the majority to work with us in trying to accommodate an agenda. We were only given this a couple of minutes ago.

I am surprised and disappointed. We will work through it and we will certainly do our best to accommodate the schedule. We also would like to see a completion of a lot of these items. I think we can do so without throwing cloture petitions down prior to the time we even have some consultation as to whether it is necessary.

I thank the Senator. I yield the floor.

Mr. LOTT. Mr. President, just one further response, and I think we can move this issue along. One of the reasons we perhaps have not already finished the gift rule issue is that the majority leader wanted to accommodate the President on the Bosnian resolution question.

He deferred action from last week over to this week by agreement on both sides, and in an effort to accommodate the President and allow more time to pass so that maybe something different would change in Bosnia, or with regard to the situation in the United Nations. That is why we went back to Bosnia. Everybody understood that. We were not quite ready anyway on gift.

Plus, I might note, I do not believe there was any agreement that we would go to Ryan White before we went back to gift. We went to the Ryan White bill because there was agreement that we could take it up and hopefully complete it, and in the meantime we could continue to work on the gift rule.

We already have not done exactly what maybe was intended, but for good reason. We went to the Bosnia resolution because we did not complete it by agreement last week. We went to Ryan White because we were ready to go, and then we can keep working on the gift bill.

We will continue to work with the distinguished Democratic leader, and hopefully be able to finish all of these bills that we have scheduled before the week is out, and at a reasonable hour on Friday, also.

UNANIMOUS-CONSENT REQUEST

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate turn to the consideration of S. 908, the State Department reorganization bill, immediately following the disposition of S. 641, the Ryan White bill.

Mr. DASCHLE. I object.

FOREIGN RELATIONS REVITALIZATION ACT—MOTION TO PROCEED

CLOTURE MOTION

Mr. LOTT. Therefore, I now move to proceed to S. 908, the State Department reorganization bill, and send a cloture petition to the desk on the motion.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the petition.

The bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 908, the State Department Reorganization bill:

Dan Coats, Spencer Abraham, Nancy Landon Kassebaum, Rick Santorum, Jesse Helms, Judd Gregg, Rod Grams, Olympia Snowe, Bob Dole, Thad Cochran, Paul Coverdell, Larry E. Craig, Phil Gramm, Kay Bailey Hutchison, Don Nickles, Trent Lott.

Mr. LOTT. Mr. President, I ask unanimous consent that the cloture vote occur on Friday at 10 a.m. and the mandatory quorum under rule XXII be waived.

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

Mr. LOTT. I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

FOREIGN ASSISTANCE PROGRAMS APPROPRIATIONS AUTHORIZATION ACT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate turn to the consideration of S. 961, the foreign aid authorization bill, immediately following the disposition of S. 641, the Ryan White bill.

Mr. DASCHLE. Mr. President, for all the reasons already provided, I object.

CLOTURE MOTION

Mr. LOTT. Mr. President, for all the reasons cited on this side, I therefore now move to proceed to S. 961, the foreign aid authorization bill, and send a cloture petition to the desk on the motion.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 961, the Foreign Assistance Authorization bill:

Dan Coats, Spencer Abraham, Nancy Landon Kassebaum, Rick Santorum, Jesse Helms, Judd Gregg, Strom Thurmond, Olympia Snowe, Bob Dole, Thad Cochran, Paul Coverdell, Larry E. Craig, Phil Gramm, Kay Bailey Hutchison, Rod Grams, Trent Lott.

Mr. LOTT. Mr. President, I ask unanimous consent that the cloture vote occur on Friday, immediately following the 10 a.m. cloture vote if not invoked, and that the mandatory quorum under rule XXII be waived.

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

Mr. LOTT. Mr. President, I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. LOTT. I yield the floor.

RYAN WHITE CARE AUTHORIZATION ACT

The Senate continued with the consideration of the bill.

Mr. HELMS. Mr. President, the intention is to have two amendments voted on back to back as near to 6 o'clock or shortly thereafter as possible. Then we will continue with two more amendments, with no further rollcall votes this evening.

Tomorrow morning, we will vote on two additional amendments, plus final passage on Ryan White.

Did I state it correctly?

Mrs. KASSEBAUM. Mr. President, there is a possibility of debate on another amendment that Senator GREGG has wanted to offer.

Mr. HELMS. Yes.

Mrs. KASSEBAUM. That would be tomorrow morning, as well.

Mr. BRYAN. Mr. President, I talked with the distinguished floor leaders. I need 5 minutes, if possible, to be able to speak as in morning business.

I know the distinguished Senator from North Carolina has the floor. I do not want to in any way encroach upon his time. I need to do this.

Mr. HELMS. Proceed.

Mr. FORD. Mr. President, I would like to have the opportunity to ask——

Mr. HELMS. I still have the floor.

Mr. FORD. I apologize. I thought when you did that, you gave up the floor.

Mr. HELMS. No way, José.

Provided I do not lose my right to the floor, I yield 5 minutes to the Senator from Nevada and to the Senator from Kentucky.

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

Mr. BRYAN. I yield.

Mr. KENNEDY. Mr. President, I hope we will have an opportunity to listen to the Senator, but we are making good progress on this legislation.

I think we have just had an indication of some of the scheduling challenges and difficulties. We are trying to accommodate our Members. We would like to try, to the extent that we can, in response to the greater number of Senators, to deal with these amendments and try to dispose of them.

We are mindful that Members have matters of sufficient importance to address the Senate, but we really hope we can accommodate the greatest number of Senators, that we can try to discuss or debate these issues, and try to work them out to the extent that we can.

The only way we can do that is to have those matters up before the Senate. I will not object at the present time, but I hope, just to try to provide the greatest amount of accommodation to our colleagues, that we can have whatever time that we do have this evening focused on this bill.

Mr. FORD. Will the Senator yield?

Mr. BRYAN. Mr. President, I yield.

Mr. FORD. Parliamentary inquiry. The distinguished majority whip has just offered a motion as it relates to cloture on a motion to proceed.

Now, on that motion to proceed, if cloture is invoked, and the Ryan White legislation has not been finished, the reform legislation has not been finished, the gift ban has not been finished, do they all go back to the calendar if cloture is invoked?

The PRESIDING OFFICER. We would remain on the cloture until it was disposed of.

Mr. FORD. They would not go back to the calendar because the will of the body has been that the legislation would be that motion proposed by the majority whip.

The PRESIDING OFFICER. The Senate will suspend while the precedent is checked.

Mr. BRYAN. I will proceed for about 5 minutes.

Mr. FORD. I yield the floor until we hear from the Parliamentarian.

Mr. BRYAN. Let me express my appreciation to the distinguished Senator from North Carolina and the floor leadership, who I realize are under very difficult time constraints.

ETHICS COMMITTEE MEETING

Mr. BRYAN. Mr. President, I want to talk to my colleagues for a moment regarding the situation which has arisen on the question of holding public hearings on the charges brought by the Senate Ethics Committee against Senator PACKWOOD, and as a result of remarks on the floor last Friday by the Ethics Committee chairman.

First, I want to briefly tell Members of the Senate where the process now stands, in terms of the Ethics Committee. The Ethics Committee rules provide for a three-tier process. The first stage, preliminary inquiry; second stage, initial review; and the investigation phases.

The Ethics Committee completed its preliminary inquiry and voted on May 16 of this year to skip the initial review phase and move into the final investigative phase.

Since the three-tier process was created, only four other cases have gone to the final investigative stage. The committee found there is substantial credible evidence that a violation may have occurred in 18 incidents of alleged sexual misconduct, intentional tampering with the evidence, and improperly soliciting financial assistance.

At that point, under our rules, the committee offered Senator PACKWOOD an opportunity to appear before the committee, and he availed himself of that opportunity on June 27–29.

As the media has reported, when the Senate returned from the July 4 recess, the committee began meeting again. At that point in the process, it was time for the committee to make a decision on what else needed to be done in the investigative phase, including the question of holding public hearings. That is where the process stood when the committee met on July 11 and 12; meetings which have been duly reported in the media.

I went to the July 12 meeting thinking we would vote that day on the question of holding public hearings. The media has reported that the committee did not vote that day and that the meeting set for July 13 was canceled. The chairman of the Ethics Committee acknowledged on the floor last Friday that no other meetings are planned.

One thing I want to make clear, without getting into a long debate at this time on the merits of public hearings, is that holding public hearings in this case would be consistent with a long and well-established precedent. Those of us who are advocating public hearings are not trying to change the rules of the game. All four other cases which went into the final investigative phase had public hearings. Indeed, every major ethics case this century has had public hearings. This would be the first case to be the exception.

The process needs to move forward. I know of no reason the Ethics Committee has not met nor any reason why the committee has not voted on the question of holding public hearings. I am fully prepared to do so. We have now gone 2 weeks without a committee hearing.

Today I wrote the chairman, appealing to him to call a meeting of the Ethics Committee this week for the purpose of voting on the question of holding public hearings. Whatever may happen or not happen on the floor is a separate issue. There is simply no reason for the committee to delay further, and I hope the chairman will establish a meeting time this week so the committee can proceed with its business.

I thank the Chair. I yield the floor. And I thank my colleagues for their accommodation.

RYAN WHITE CARE REAUTHORIZATION ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 1854

(Purpose: To prohibit the use of amounts made available under this act for the promotion or encouragement of homosexuality or intravenous drug use)

Mr. HELMS. Mr. President, I have an amendment. I send it to the desk and ask it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1854.

At the end, add the following new section:

SEC. . PROHIBITIONS AND LIMITATIONS ON THE USE OF FEDERAL FUNDS

(a) PROMOTION OR ENCOURAGEMENT OF CERTAIN ACTIVITIES.—No funds authorized to be appropriated under this Act may be used to promote or encourage, directly or indirectly, homosexuality, or intravenous drug use.

(b) DEFINITION.—As used in subsection (a), the term 'to promote or encourage, directly or indirectly, homosexuality' includes, but is not limited to, affirming homosexuality as natural, normal, or healthy, or, in the process of addressing related 'at-risk' issues, affirming in any way that engaging in a homosexual act is desirable, acceptable, or permissible, or, describing in any way techniques of homosexual sex.

Mr. HELMS. Mr. President, as the distinguished clerk has just indicated, this amendment is simple. Forest Gump could understand this one.

I do not intend to take up a lot of time. I just say it is just a simple act of responsibility on the part of the Senate to make sure that no taxpayers' money—not a cent, not a farthing—distributed under the Ryan White legislation, shall be used in the promotion of homosexuality as being natural or normal—or that poppycock about just another lifestyle. None of the above is the case.

This amendment, therefore, takes another important step toward removing the Ryan White Act from politics. It provides a safeguard to make sure that Federal funds—that is to say the American taxpayers' money—ostensibly provided to help victims of the AIDS virus, these funds shall not be used to push the radical agenda of the homosexual activists.

I have said many times—and a lot of people do not like my saying it; that suits me all right. I do not like them not liking it. But, if the proponents of this bill really want to help those in need, let us make sure that we help those in need and not let the Ryan White funds be used for such outrageous, extraneous things.

This is not the first time I brought up this subject. About 8 years ago, I think it was, I submitted an amendment that prevented any funds used by the Centers for Disease Control for

AIDS education, the kind of education that would be used to promote homosexuality. And, believe me, it was going on.

This amendment passed the Senate 94 to 2. I certainly can think of no reason why this amendment, the pending one, should not pass by a similar margin. But if any Senator wishes, he or she can come by this desk and we can look at the rollcall of 7 or 8 years ago. We do have it.

The promotion of homosexual conduct as acceptable or permissible or just another lifestyle flies directly in the face of what a sound AIDS policy ought to be. Mr. President, 53 percent of AIDS cases, more than half of the AIDS cases in America, have come about through male/male sexual relations. This being true—and the Centers for Disease Control has documented it to be true—then why on Earth should any Federal money, even a penny, be used to promote activity that has proven to be the leading cause of AIDS?

Mr. President, I wish I had a nickel for every time I have come on this floor and implored Senators to treat the AIDS disease as a public health issue instead of a civil rights issue. But, judging from the clamor and shouting over the past several weeks, these words continue to be ignored—certainly in the media, and certainly by the AIDS activists. They have run up and down the corridors of the Senate, buttonholed Senators, and all the rest of it. We will see how effective they have been.

If this bill passes without any one of the amendments that I intend to offer, we will know something about the effectiveness of the AIDS lobbyists.

I am going to say it again and be through. AIDS is not a civil rights issue, it is a public health issue and a serious one, and the money ought to be spent in that regard, not for the promotion of homosexuality or the advocacy that homosexuality is just another lifestyle. The last thing Congress should do is to allow any of the American taxpayers' money to be used to promote the very behavior that is responsible for spreading this disease.

What homosexuals do behind closed doors is their own business. But they have no claim—none—on the taxpayers' money. This amendment simply prevents the use of tax money to portray homosexual conduct as acceptable or permissible. The Federal Government has no business financing the promotion of homosexuality, it never should, and as long as I am a Member of the Senate, I am going to be on my feet protesting the use of moneys in that way—or the misuse of it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I was trying to get a copy of the language that had been used. The Senator from North Carolina mentioned we had passed that before? He mentioned it had passed by a large vote before. I was just wondering if it was the same language as in this, the exact same language?

I do not think anyone could quarrel with the language that would say none of the funds authorized under a title should be used to fund AIDS programs or to develop materials to promote, encourage, directly or indirectly, homosexuality or intravenous drug use. But I was uncertain about getting into a definition of homosexuality. But I clearly have no objection to say that no funds should be authorized to be used for promotion. If I may, I want to look at the language that we passed before.

Mr. HELMS. If the Senator, the manager of the bill, let me know if we can get the yeas and nays, to set this one aside, and make it one back-to-back rollcall vote at 6 o'clock.

Mr. KENNEDY. It is 20 minutes of. We have been interested in getting to this amendment. I was just handed this amendment. It is on a subject matter that I am hopeful that we can work through in terms of what I think would be an agreeable—may not be agreeable to all—but at least an approach which I think would achieve the stated objective but would not necessarily prohibit medical services, for example, to a targeted community. But quite frankly I did not have this. We just received this amendment, and I have no idea what the next amendment is. So as much as I would like to move this along, we could move along much faster if we did have an opportunity to examine the amendments prior to the time that they are addressed and called up.

Mr. President, we all agree that it is not the business of the Federal Government to promote or encourage any kind of sexual activities whether they are homosexual or heterosexual, and it is certainly not the business of Government to promote or encourage illegal activities such as drug use. I hold that view, as do 99 of my Senate colleagues, I am sure. But that is not to prohibit desperately needed funds for organizations on the front lines of this epidemic. The thrust of the amendment has been to deny funding to organizations that serve gay communities or HIV drug users, like the highly respected AIDS Action Committee in Boston or AIDS Atlanta. Over the years similar amendments have been offered to restrict the use of AIDS prevention funds under the theory that targeted AIDS education that acknowledges the existence of homosexuality or drug use somehow promotes such activity.

That is the nub of the concern that we would have, or at least I would in terms of the reaction to the Senator's amendment.

We have, as the Senator from Kansas pointed out, addressed this at other times. If we had had the opportunity to at least know that this was going to be up, we would have been able to be perhaps more relevant. But the thrust of this amendment has been to restrict the use of any AIDS prevention funds under the theory that targeted AIDS education that acknowledges the existence of homosexuality or drug use somehow promotes such activity.

If you had an organization, for example, that is providing services, and that included volunteers, are you encouraging, are you promoting or are you not promoting? Are you effectively limiting the opportunities for those organizations that are attempting to try and deal with the public health issue? Are you curtailing their opportunities to have some kind of impact in a public health way?

I think this is the principal concern that we would have on this particular issue.

Mrs. KASSEBAUM. Mr. President, I appreciate being able to see a copy of what perhaps was before, which was an amendment on the appropriations bill, not the Ryan White legislation. And it did not have a definition in it either. Again, it was language designed to prohibit funds to be used for promotion activities. As I said, I certainly think there would be concurrence with that.

If the Senator from North Carolina wants the legislation in the amendment that he has presented to be voted on without any need of amending it, I certainly respect that and we will have an up-or-down vote. I will intend later on to offer an amendment which would be the same language as the Senator from North Carolina but without the definition part, and would suggest perhaps, if we want to go ahead with the second amendment, as the Senator says, we could have back-to-back votes.

Mr. HELMS. It is not necessary to get the yeas and nays yet on this pending amendment.

So we will lay that aside, if the Chair will permit us to do so, and I ask unanimous consent to do so.

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

Mr. KENNEDY. Will the Senator be good enough to yield for the purpose of a quorum call?

Mr. HELMS. Certainly.

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

Mr. DORGAN. I object.

The PRESIDING OFFICER. Objection is heard.

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

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

THE 40TH ANNIVERSARY OF THE KOREAN WAR

Mr. WARNER. Mr. President, the 40th anniversary of the Korean war will

be celebrated in the Nation's capital, indeed in Korea, and in many other places this week. I was privileged to have a small and modest participation in that war as a member of the U.S. Marine Corps. I volunteered for a second period of active military service, having served briefly at the end of World War II.

The three of us in the Senate—as far as I know, there are only three who served in the Marines in Korea—are going to address the Senate in sequence over the next 3 days. It is my privilege to make brief remarks today. My understanding is that the distinguished Senator from Ohio, Mr. GLENN, who was in Marine Corps aviation, will speak tomorrow, and on the third day our distinguished colleague from Rhode Island, Senator CHAFEE.

Mr. President, it is most fitting at this time to pause to reflect on the service and sacrifice of America's 5.7 million Korean war veterans and those from 21 other nations which made up a multinational force that responded to the call of freedom with the invasion by North Korea into the South Korean province.

I take great pride in having had the opportunity to have served in the U.S. Marine Corps. I entered service on October 3, having volunteered during the summer of 1950. I went to Quantico with a group of officers, most of whom had, like me, served for a brief period in World War II. And then eventually most of us saw service in Korea.

To go back historically, on June 25, 1950, the North Korean People's Army had invaded the Republic of Korea in a forceable effort allegedly to unify that landmass into a Communist state. The North Koreans swept over the 38th parallel and occupied Seoul, South Korea's capital, in a very short period of time.

The U.N. Security Council immediately called upon the free world to render assistance to the struggling South Korean Government. President Harry S. Truman, a very courageous President and one who was a strong foe of communism, saw this as an effort of communism to spread in the world, and immediately he responded to the U.N. call for assistance and ordered the 7th Fleet and the Far Eastern air units to support the South Korean military forces.

Truman's Far Eastern Commander, Gen. Douglas MacArthur, made it clear that only American ground forces could prevent the complete collapse of the Republic of Korea. The President agreed. And in early July American forces joined the South Korean military forces on land, sea and air, and in operations against the North Korean's People's Army. At the outbreak of the Korean war the U.S. Marine Corps was in the condition of less than full readiness.

Recalling that period of history very vividly, because having served for approximately 2 years in the Marine Corps Reserve prior to this, I was well aware, as were all other marines, that our funds had been cut back severely in that period of time, and the readiness was at less than full state. That was because of 5 years of declining budgets. The Marine Corps' strength had dropped from nearly half-million men and women in 1945 to only 75,000 men and women in June 1950.

Nevertheless, Gen. Clifton B. Case, then Commandant of the Marine Corps, felt that the marines, many of whom were seasoned veterans of World War II, could effectively meet the challenge of battle. He therefore, together with the Chief of Naval Operations, Adm. Forrest D. Sherman, advised MacArthur that the 1st Marine Division would be ready for action whenever called.

General Case foresaw MacArthur's response and put his marines worldwide on alert. He recommended additionally a recall of Reserves in an effort to bring the Marine Corps' strength up. And how well I recall the first basic class of which I was a member in October 1950. They were all Reserves recalled to active duty, as I said, many having served for periods during World War II. Within a very brief period, the marines once again would be sailing across the Pacific to answer their Nation's call to arms to defend freedom.

Mr. President, as I rise to make these brief remarks today, I am reminded of those with whom I was privileged to serve who gave their full measure, who gave their life in the cause of freedom in that conflict.

I was, for a brief period, with a squadron in the 3rd Marine Air Wing, and eventually with an air group, Marine Air Group 33. And each day sorties were flown. And, regrettably, periodically a number did not return.

I shall recall one individual very well. His name was Captain Cole. Captain Cole had been a member of VMF 321, a marine squadron operating out of Anacostia, prior to its transformation to a helicopter base. We had been very close friends, as I likewise was a member of the Reserves in that squadron. Captain Cole was a school teacher. He had served in World War II but when his squadron, VMF 321 was called to active duty, he unhesitatingly responded and joined.

On November 11, 1951, by chance the airplane in which I was then an observer landed at an airfield where Captain Cole was stationed. And that was the last time I saw him. Four weeks later he was killed in the line of duty in Korea. And I am everlastingly grateful that his family has allowed me to hang in my office a picture of my dear friend, Captain Cole. I mention him only because there were many others, but he was an example of an American having come back from World War II, remaining in the Reserves so this country could be strong. Dedicating his life to teaching children. And unhesitatingly responding to the call of battle. I recently had the opportunity to meet with his son who was a very young person at the time of his death. So that I could convey to him some of my recollections about his father.

Mr. President, I am privileged to join here in these remarks. And I look forward to hearing the remarks of two other veterans of that conflict, Senators GLENN and CHAFEE, who were far more active in the combat role than I. And who deserve the great respect for having made their contribution in this conflict in the cause of freedom.

I yield the floor. And I thank very much my colleagues for allowing me to make these brief remarks.

RYAN WHITE CARE REAUTHORIZATION ACT

The Senate continued with the consideration of the bill.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota [Mr. WELLSTONE] is recognized.

Mr. WELLSTONE. Mr. President, parliamentary inquiry.

Are we back now on the Helms amendment?

Mrs. KASSEBAUM. We would be. My understanding, Mr. President, is that there are some negotiations on the Democratic side of the aisle that are ongoing.

The PRESIDING OFFICER. At the present time the Chair announces the Helms amendment No. 1854 has been set aside.

So we are simply on the bill.

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

Mr. President, I wanted to speak briefly.

First of all, in transition, let me thank the Senator from Virginia for his remarks. I did not mean to make such an abrupt transition from your very personal and powerful remarks. I apologize. Sometimes we rush so much we are impolite. I hope I was not.

Mr. WARNER. Mr. President, I was unaware. I was totally absorbed in what I was saying. But I thank the Senator.

Mr. WELLSTONE. I thank the Senator from Virginia.

Mr. President, this amendment, which I gather has been set aside, and I gather there are some negotiations going on, would set a prohibition on the use of Federal funds. And, as I look at this, community-based organizations—part of the definition would be the promotion or encouragement of certain activities—''No funds authorized to be appropriated under this act may be used to promote or encourage, directly or indirectly, homosexuality, intravenous drug use.'' Let me talk about ''encourage, directly or indirectly, homosexuality.'' We went through this debate before, Mr. President, when we were talking about any activities in schools that would promote directly or indirectly homosexuality.

Mr. President, with all due respect to my colleague from North Carolina, I do not know—I have to believe that this is not the intended effect—but what the effect of this amendment would be, the effect of this amendment would be very cruel and mean spirited and harsh and beyond the goodness of the vast majority of people in this country, because the way this amendment reads—and I certainly hope there will be some change—if you had community-based clinics, say you have the Minnesota AIDS project, and some young man came in and he was talking to some of the people there and he said, ''Look, I am gay, and my family is ashamed of me and a lot of my friends shun me. And I do not want to live. I am thinking about taking my life. I feel worthless.'' If those men and women that are working at that community-based clinic said to that young man, ''The fact that you are gay does not make you any less of a human being. You are a person of worth, dignity and substance. And, for God's sake, you do not want to take your life. You can live a life of contribution to community. You can live a life of contribution to country, a contribution to world. And you certainly do not want to take your life,'' by the wording of this amendment, those individuals that were working at this community-based clinic would be encouraging homosexuality as a way of life.

We cannot have amendments worded like this on the floor of the Senate. This is just too cruel. I am not going to say that the intent of it is too cruel because I do not want to believe that. But the effect of it would be cruel and harsh. It goes beyond the goodness of people in the country and it goes beyond the goodness of Senators regardless of their political party. And this amendment as now worded should be defeated.

I yield the floor.

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GORTON). The absence of a quorum has been suggested.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. May I ask a question before the Senator asks for the quorum call?

Mr. KENNEDY. I withdraw the request.

Mr. HELMS. What is up? We are supposed to be working on this bill.

The PRESIDING OFFICER. Excuse me. We are under a quorum call.

Does the Senator from North Carolina ask for it to be dispensed with?

Mr. KENNEDY. I withdraw it.

The PRESIDING OFFICER. Without objection, the quorum call is dispensed with.

The Senator from North Carolina.

Mr. HELMS. Certainly. Please explain to me. We were trying to be through, finished with this bill at 6. And I, as a matter of courtesy to the Senator from Massachusetts, permitted him to enter a quorum call.

I had the floor. I did not have to do that.

When can we expect some action on these amendments and the bill? I understand the Democrats have a problem with something else that I have nothing to do with.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I welcome working out a process and procedure by which we can get a determination and a judgment on these measures. I have been told that there will be objection to having the votes this evening, that we would not be able to move toward the votes. But we could work out an agreement which would permit a vote up or down on the Senator's amendments, and also other amendments as well, that would be related to the Senator's amendments. I was consulting with the chairman of the committee to try and see how that process could be realized.

Obviously, I have no objection to the Senator talking or speaking or debating these matters. What I was trying to do was work out with the floor manager at least a process and a procedure so that we could get votes on the amendments of the Senator from North Carolina and also on amendments that are related to the similar subjects and do that in a way which will accommodate the greatest number of Members.

Mr. HELMS. But the Senator just said they were not going to permit any more votes tonight. Who is not?

Mr. KENNEDY. There is objection to moving towards the conclusion of the votes, to having votes this evening.

Mr. HELMS. So what the Senator is saying then is that the announcement I made that we would attempt to have two more rollcall votes and then finish the debate on the remaining amendments and go to a vote tomorrow morning on two remaining amendments and final passage of the Ryan White bill, that is being objected to, now, is that it?

Mr. KENNEDY. I want to say to the Senator, the Senator made that request at 5:30 without us getting a chance to review those amendments. As far as I am concerned, we ought to get a judgment, and I am quite prepared to stay here to get a judgment. But there has been an issue and question in terms of the scheduling, as a result of the requests that have been made by the acting majority leader. Those matters are being discussed by the leadership, and they believe that if we could work out at least a process by which we could debate or discuss these matters tonight with a judgment so that we could vote on these matters and matters related to those issues tomorrow, that that would be a way of proceeding.

Mrs. KASSEBAUM. Mr. President, I wonder if the Senator from North Carolina will yield to me just for a moment to pose a question.

Mr. HELMS. Certainly. I hope you can clear it up. I do not understand what he is saying.

Mrs. KASSEBAUM. Maybe I can try. I think that the minority leadership was concerned about the cloture motions that were filed and how that would affect scheduling. It has nothing to do with the Ryan White CARE legislation. It does, unfortunately, pose a problem for us. And it is my understanding there would not be an objection if we could put down a listing of all of the amendments yet to be debated. We can debate some tonight and then the votes would be tomorrow; is that correct?

Mr. KENNEDY. That would be it.

Mrs. KASSEBAUM. I wonder if we can suggest the absence of a quorum at this point and see if we can put together a UC agreement which all parties could support.

Mr. HELMS. I will agree to that if I may ask unanimous consent that when I choose to ask that the quorum call be rescinded, that I be recognized to do so and that it occur.

The PRESIDING OFFICER. Did the Senator from North Carolina ask not only that he be recognized to call off a quorum call but that the calling off of the quorum call be guaranteed?

Mr. HELMS. Absolutely, 100 percent.

The PRESIDING OFFICER. That is a request that cannot be granted, as each Senator has the right to object to the unanimous consent request.

Mr. HELMS. I will retain the floor. We will stand in limbo.

Mr. KENNEDY. Will the Senator yield? Can we ask unanimous consent that the Senator be recognized after the quorum call is terminated?

Mr. HELMS. That would be all right.

Mr. KENNEDY. Mr. President, I ask unanimous consent that at the termination of the quorum call, the Senator from North Carolina be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMON. 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. SIMON. Mr. President, I ask unanimous consent that I may speak for 2 minutes, then I will renew the quorum call and Senator HELMS will be recognized immediately following the rescinding of the quorum call.

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

DISCRIMINATION IN SOCIETY

Mr. SIMON. Thank you, Mr. President.

I suppose I am like a great many Americans on this whole subject, and what we are dealing with in the problem of recognizing homosexuality, and this problem in our society.

I grew up in a home where we had strong opinions against prejudice,

against people because they were African Americans or Jewish Americans. But frankly, I did not understand this problem. I was not hostile to people who were gay, but I did not understand that they faced some special problems. The reality is, they do. I think we have to recognize that factor.

I also would add, because it is not only this bill, but we face it in the military and other places. When I was in the military, I was in part of something that no longer exists, the Counter Intelligence Corps. Among other things, we screened people for security clearances.

If there were people who were gay, they did not get security clearances. This goes back to 1951 to 1953. I happen to think that was, at that point, a very legitimate reason for not having security clearances, because people could be blackmailed.

If we decide we are not going to have people that are gay in the military, say we have an emergency, and then we have to have selective service, we conscript people, are we going to say that anyone who is gay is not going to be drafted? We are going to end up with an awful lot of gays in this country if we determine that.

I think there are practical problems. I think we should recognize this. Now, does that mean that everyone approves of this lifestyle? That is not the question. The question is discrimination.

For those—and I run into this at town meetings, and I am sure the Presiding Officer has—people who say, what about the Bible. The ten commandments include adultery. Some of the other things did not get mentioned.

I recall my army days. If we had decided we would kick everyone out who was involved in adultery, our branches would have been thinned appreciably.

I think we have to recognize that there are weaknesses in society, but that discrimination is not the route that we ought to be going.

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

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

RYAN WHITE CARE REAUTHORIZATION ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1855

(Purpose: To limit amounts appropriated under title XXVI of the Public Health Service Act to the level of such appropriations in fiscal year 1995)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask it be stated.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1855.

At the appropriate place, insert the following:

SEC. . Notwithstanding any provisions of this Act, there is authorized to be appropriated for each of the fiscal years 1996 through 2000, amounts that do not exceed the amounts appropriated under this Act in fiscal year 1995.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, as the clerk has indicated, and I say the amendment as read speaks for itself, this amendment proposes to freeze Federal funding authorizations for the years 1996 through 2000 at an amount not exceeding the fiscal year 1995 funding for HIV-AIDS. The amount appropriated for fiscal year 1995 totals $633 million of the taxpayers' money.

I consider this amendment is essential—imperative, as a matter of fact, to close a vast loophole in the pending bill. As currently written, the Ryan White Reauthorization Act authorizes funding for the Ryan White programs:

At such sums as may be necessary in each of the fiscal years 1996, 1997, 1998, 1999, 2000.

As I said earlier, some of the proponents say, ''This does not mean anything. It still has to go through the authorization and appropriations process,'' which is true. But it has a psychological effect, when it has been written into the Ryan White authorization bill that the appropriations will be ''such sums as may be necessary.''

So, as I said earlier, if it does not mean anything let us take it out. Because whenever I see vague, open-ended funding language such as this, I can understand why the Federal debt is approaching $5 trillion. It stands at about $4.9 trillion now.

Congress should never write a blank check for any purpose. The least we can do for the American taxpayers is to specify the amount of Federal funding, with no obfuscation, no vagueness, no whatever.

Taxpayers will be interested to know that the total estimated outlays under the current act are $3.68 billion. That is $3,680,000,000 over a 5-year period. So we are not talking about chickenfeed. We are talking about real money; real money that can run up the debt, the Federal debt, that will be on the backs of the young people of this country for generations.

This $3.68 billion does not include NIH funding or the many other Federal programs dealing with HIV-AIDS.

Federal funding for AIDS research and prevention within the Public Health Service has increased from $200,000 in 1981—$200,000 in 1981—to $2,700,000,000 in 1995.

When all the other Federal funds spent on HIV-AIDS are included, the total is about $7.1 billion for fiscal year 1995.

We have an arrangement in the process, I will say parenthetically, that I will present each of my amendments.

Have we obtained the yeas and nays on the amendment set aside?

The PRESIDING OFFICER. The yeas and nays have not been requested on the amendments set aside.

Mr. HELMS. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. It is not appropriate to ask for the yeas and nays on an amendment which is not before the body. The Senator can ask unanimous consent.

Mr. HELMS. I ask, for the purpose of obtaining the yeas and nays, that these two amendments be considered the pending business.

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

Mr. HELMS. 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. HELMS. Mr. President, I send an unprinted amendment to the desk and ask it be stated.

The PRESIDING OFFICER. There is an amendment pending.

Mr. HELMS. I ask unanimous consent that it be laid aside.

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

AMENDMENT NO. 1856

(Purpose: To ensure that Federal employees will not be required to attend or participate in AIDS training programs)

Mr. HELMS. I withdraw that amendment and send another amendment to the desk.

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

The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1856.

Mr. HELMS. 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. . OPTIONAL PARTICIPATION OF FEDERAL EMPLOYEES IN AIDS TRAINING PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provisions of law, a Federal employee may not be required to attend or participate in an AIDS or HIV training program if such employee refuses to consent to such attendance or participation. An employer may not retaliate in any manner against such an employee because of the refusal of such employee to consent to such attendance or participation.

(b) DEFINITION.—As used in subsection (a), the term ''Federal employee'' has the same meaning given the term ''employee'' in section 2105 of title 5, United States Code, and such term shall include members of the armed forces.

Mr. HELMS. Mr. President, the pending amendment was made essential because of a directive issued by President Clinton on September 30, 1993, in which he ordered all heads of executive departments and agencies to develop and

fully implement a comprehensive HIV/AIDS workplace policy and employee education prevention program. The White House staff made it mandatory for every Federal employee—an unreasonable requirement on its face, and particularly so considering the nature of these so-called education programs.

For the record, the White House Office of National AIDS Policy issued mandatory ''guidelines'' stating:

> HIV/AIDS workplace training is mandatory for every Federal employee . . . (and) the duration of the training session should be not less than 2 hours, although 3 hours is the recommended length . . .

Mr. President, it may be useful to examine one agency's training program. The Department of Agriculture's AIDS program—which employees are compelled to attend—counsels Federal employees on the proper ways to engage in oral and anal sex and other similarly inappropriate subject matters.

This is an editorial judgment on my part. I consider it outrageous—not just inappropriate, outrageous. I took it up with the Agriculture Department, and we are having a go at that.

This is an arrogant and nauseating abuse of power by the homosexuals in the Federal bureaucracy. Most Federal employees resent it.

We have had scores of Federal employees to protest to us and ask us to do something about it.

For example, let me to read from a letter I received from a USDA employee in North Carolina after the employee attended one of these so-called training classes:

> This week we were required to attend a mandatory HIV/AIDS training session which is apparently required by the President of all Federal employees. This results in millions of dollars in lost man-hours and consequently wages. We also were required to take a pre- and post-class test . . . Since we are mostly biological scientists we learned essentially nothing.

The employee continued:

> Some of the material is not appropriate for the workplace (e.g. how to have safe oral sex, page 28), and it does not seem too necessary for government time and money.

That is an understatement by the employee.

Mr. President, I also have at hand a copy of a directive issued by the Foreign Agriculture Service which states:

> To comply with this Presidential mandate, the Foreign Agriculture service is presenting the attached MANDATORY HIV/AIDS training sessions.
>
> Please attend the session scheduled as indicated or arrange to switch session with a coworker.
>
> Supervisors are responsible for disseminating this information to there (sic) . . .

They misspelled the word ''there,'' t-h-e-r-e. They meant t-h-e-i-r. They will learn how to spell that word next week.

> employees and for certifying that all employees under their supervision attend a session of the mandated training . . . THIS IS MANDATORY TRAINING FOR ALL FEDERAL EMPLOYEES . . . ATTENDANCE WILL BE TAKEN. . .

You see the intimidation there.

Mr. President, so that there may be no confusion in the mind of any Federal employee, my pending amendment simply stipulates that hereafter all HIV/AIDS training programs will be made optional for Federal employees.

To put it another way, nobody shall be compelled to attend a program that describes how to participate in oral and anal sex.

In addition, my amendment forbids that any Federal department or agency can take retaliatory actions against any Federal employee who chooses not to attend such classes. It makes no sense to say to an employee ''this class is optional, but we'll be taking attendance and your absence will be noted,'' because the employee will be understandably intimidated.

By the way, Mr. President, there are many who may be wondering why we are spending the taxpayers' money on these programs at all. I am one of them. There are today about 3 million Federal employees. It does not take a rocket scientist to do the arithmetic on how much this mandatory program is costing the American taxpayers. Even if the class costs only $1 per employee—and the actual cost is much more than that—even at $1 per hour, the American taxpayers are being soaked for $3 million for this HIV/AIDS training.

Mr. President, at issue in this amendment is whether all Federal employees are to continue to be forced to attend these programs.

At the risk of being repetitious, I do not see any point in forcing Federal employees to attend a session where the subject is the kind of sex conducted by homosexuals.

Like AIDS education in the public schools, Federal AIDS training programs are nothing but thinly-veiled attempts to restructure the values and attitudes of Americans in favor of homosexual lifestyles.

So the question is obvious. Since when does a free and democratic society mandate that its civil servants attend such classes to learn about—let us use the word—sodomy? The bottom line is that the Federal Government has no business requiring its employees to sit through embarrassing and sometimes disgusting classes on HIV/AIDS.

Mr. President, I have several insertions for the RECORD that I want included.

Mr. President, I ask unanimous consent that the following documents be printed in the RECORD:

First, President Clinton's Guidelines for the Federal Workplace HIV/AIDS Education Initiative ''Aids At Work,'' April 7, 1994,

Second, a letter from a North Carolina Federal employee who works for the USDA,

Third, the Foreign Agriculture Service's ''Mandatory HIV/AIDS Training'' memo dated January 1, 1995, and

Fourth, a March 29, 1995, Washington Times article entitled, ''Mandatory Federal AIDS Classes Cited as Promoting Gay Agenda''.

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

GUIDELINES FOR THE FEDERAL WORKPLACE HIV/AIDS EDUCATION INITIATIVE ''AIDS AT WORK''

I. PURPOSE

On September 30, 1993, President Clinton signed a directive (Directive) instructing all Federal departments and agencies to provide comprehensive HIV/AIDS in the workplace training for their employees. The Directive mandates that all initial training be either carried out or scheduled by World AIDS Day, December 1, 1994. In addition to providing HIV/AIDS prevention information, all federal employees must receive information on workplace policies and procedures related to persons living with HIV and other chronic illnesses. Human resources staff is required to review workplace policies and procedures to ensure that the federal workplace encourages people with any chronic illness, including those living with HIV/AIDS, to continue productive employment as long as their health permits.

The President has committed his Administration to a leading role in the fight to end the HIV/AIDS epidemic. Until there is a cure, educating people on assessing their own risk and taking appropriate steps to protect themselves from infection with HIV is the best way to stop the epidemic. As the epidemic matures and medical advances proceed, more and more people living with HIV/AIDS will be in the workforce. Since HIV cannot normally be transmitted in a workplace setting, people living with HIV/AIDS should be encouraged to continue working so long as their health allows them to be productive employees. The Federal Workplace HIV/AIDS Education Initiative (FWAEI) will serve as a model for all businesses on how to provide employees the information they need to prevent infection with HIV and the type of personnel policies and procedures which encourage people with any chronic illness, including HIV/AIDS, to continue productive work for as long as their health permits.

II. BACKGROUND

Based upon comprehensive research and evaluation of many private-sector workplace programs, the Centers for Disease Control and Prevention (CDC), *Business Responds to AIDS*, and the National Leadership Coalition on AIDS recommend that the following five components be included in any comprehensive HIV/AIDS workplace education program: Policy/Procedures; Training of Supervisors and Managers; Employee Education; Family Education; and Community Service/Volunteerism.

The Office of National AIDS Policy (ONAP) has produced the following guidelines for all Federal departments and agencies to assist in the development of comprehensive HIV/AIDS in the workplace programs. In order to succeed, the development and implementation of a training program must take into account the particular needs of each department or agency. The guidelines that follow are minimum requirements and are not intended to preclude any additional training that a particular department or agency determines is appropriate for its own employees. These guidelines will assist departments and agencies in creating developmentally appropriate, technically accurate, training programs whose success can be measured.

II. TARGET AUDIENCE

HIV/AIDS workplace training is mandatory for every Federal employee. The initial training must be conducted or scheduled by World AIDS Day, December 1, 1994. The Directive does not require that contractors receive training. Departments or agencies may

require that contractors receive training, particularly in those locations where they share the same workplace as Federal employees. Contractors should not be trained with Federal staff.

Managers and supervisors should receive more in-depth training that includes dealing with issues of confidentiality, how to approach any necessary counseling and referrals, and how to help a chronically ill employee continue working and remain productive.

III. CLASS SIZE

Class size is critical to the successful implementation of the Federal Workplace AIDS Education Initiative. Employees need to have their questions answered, and large classes prevent employees from getting the response time they need. Class size should be limited, optimally to 30, but never more than 50, participants.

IV. LENGTH OF TRAINING

The duration of the training session should be not less than 2 hours, although 3 hours is the recommended length to allow ample time for questions and discussion. Allowing for breaks will give staff an opportunity to digest the information presented. Additional time may be required for supervisor and manager training.

V. RECORDS/EVALUATION INSTRUMENT

Of the most difficult tasks you will encounter is the documentation of how the Directive is being implemented and whether it has an impact on the knowledge, attitudes, beliefs and behavior of the employees. To accomplish this, accurate records of training sessions, including: the names of participants; the date of the training session; and the total number of employees trained, are essential. All individuals receiving training should have an appropriate ''official training form'' sent to their personnel files, and/or the attendance information should be entered into their training records database. Keeping a monthly list of class sizes and participants will expedite the formulation of the regular quarterly reports.

Ideally, your instructor should ask each participant to complete pre- and post-training knowledge assessments. These assessments will indicate whether participants increased their understanding of HIV/AIDS in these training session. An increased understanding of the pathology of HIV/AIDS does not necessarily indicate a concomitant change in the behavior of participants.

To determine the effectiveness of the training session it is important to gauge the quality of instruction. An instructor/class evaluation should be administered at the end of each training session. These assessments should be no more than one page and ask participants to grade the class comment, the instructor's ability, the quality of questions and discussion, and whether the training session was worthwhile. Evaluation instruments used during your training should not be referred to as ''tests.'' If the evaluation instruments indicate that the training session was not well received, you should consider appropriate remedies including altering course content or securing a different instructor.

VI. CONTENT

The following topics are suggested for class content. The percentages attached to these topics are intended as guidance for the development of individual sessions. Discussion and questions at each department or agency will vary depending on the group addressed. Because discussion and questions are important, and there are always time constraints, an instructor must be flexible in practice.

30% Prevention Education (The discussion must include how HIV is transmitted and how to prevent transmission, including both abstinence and safer sexual practices. Note: It is especially important to provide sufficient time for questions and answers in this part of the training and no question is too dumb.)

30% Workplace Issues Discussion/Education (Includes a discussion of why this training and associated workplace policies are important, why support services are necessary, and data related to employees needs.)

30% Policy Discussion/Education (Includes a discussion of federal and legal protections as well as the policies of your department or agency.)

10% Resources and Closing Questions and Answers.

VII. INSTRUCTORS

The instructor is key to a successful HIV/AIDS education program. Instructors (Federal or non-Federal) should be trained comprehensively in HIV/AIDS issues and have experience with HIV/AIDS training. Instructor certification is not necessary unless required by your organization. (Certification may not always guarantee quality instruction for your HIV/AIDS education program.) You may want to rely on your department or agency's contractor policies in determining who will be the most suitable instructor. In many cases, members of non-governmental community based organizations have a wide range of experience in HIV prevention that may be helpful for all or part of a training session. It is also important to note that more than one instructor may be needed to present the full range of information necessary. The instructor should be experienced enough to tailor the session to the audience (i.e., the type of questions and concerns voiced by lawyers, support personnel, analysts, economists, etc. could be quite different).

A Federal employee, knowledgeable about all human resources related policy issues, should present the department or agency policies and procedures regarding HIV/AIDS and other life-threatening chronic illnesses. Policies and procedures regarding Federal employees and managers must not be presented by private-sector contractors or non-Federal employees.

If your agency uses a contractor for the HIV/AIDS presentations, be sure they follow these recommended guidelines. Ask the contractor for information regarding the teaching history and the educational experience of the instructor. Include in your contract language that permits the replacement of an instructor with whom you are displeased.

Before training Federal employees or contractors, all instructors may want to read at least two texts from the ''Suggested Reading'' section of these guidelines, preferably AIDS in the Workplace. The Guide to Living with HIV, or Managing AIDS in the Workplace.

VIII. METHODOLOGY

The training must be tailored to the needs of each department or agency. The primary goals of the educational component shall be: (1) increasing employee's knowledge on issues of HIV transmission; (2) increasing awareness of HIV/AIDS in the workplace issues and available relevant resources; (3) creating positive attitudes about working alongside people living with HIV/AIDS; and, (4) encouraging the participation in activities, both at work and in the community, that will stop the HIV/AIDS epidemic.

Effective HIV/AIDS prevention methodology for people at high risk for HIV infection (i.e., anyone engaging in unprotected sex with more than one partner or people sharing dirty needles), requires targeted, continuous, linguistically specific and culturally based information. It is impractical to divide up a workplace based on risk factors. The training sessions should provide sufficient information for employees to assess their own risk for HIV infection. Resource information provided as part of the training session must provide the employees with locations where they may obtain more targeted interventions if they perceive themselves to be at high risk for HIV infection.

If, for expediency in implementing the Directive, you must place all members of the same department or office together, the training must be relevant to all those present. Staff must be made aware that some of the issues discussed will be related to sexual practices and injecting drug use. Although departments and agencies are encouraged to be linguistically specific in covering the issues, the training sessions should not present material patently offensive to an average employee. If participants find the material offensive, it is often counterproductive to the goal of encouraging an accurate self-assessment of risk for HIV infection.

Classes should be interactive and allow time for individuals to ask questions and to process the information presented. Employees must receive materials on workplace and community resources available to address any concerns raised by the training session.

IX. VIDEO PRESENTATIONS

Video presentations should not represent more than 30 to 35 minutes of the total class time. A video presentation alone is insufficient. A discussion and question period is essential for some people to adequately assess their personal risk factors. Presentations may use videos to provide a standardized source of information for all individuals, but a video must not be the sole source of information. Individuals representing policy, personnel, or employee assistance programs should always be an integral part of the HIV/AIDS educational program and their presentations should not be substituted with video.

X. GENERAL OBJECTIVES FOR ALL EMPLOYEE TRAINING

Based upon the time allocated for the class, prioritize class content using the following objectives:

Knowledge objectives

Participants should be able to:

1. Define HIV.
2. Define AIDS.
3. Know how HIV & AIDS are related.
4. Understand the disease process.
5. Know how HIV is transmitted:

a. Primary risk factors (i.e., exchange of bodily fluids from a person living with HIV to someone who is not)

b. Secondary risk factors (e.g., how the use of drugs or alcohol may impair judgement about HIV risk, importance of self esteem)

6. Know how HIV is not transmitted.
7. Understand relevant universal precautions for application in the workplace.
8. Know how to assess their personal level of risk for HIV infection.
9. Describe HIV antibody testing and encourage those that perceive themselves at high risk to ascertain their HIV status.
10. Understand the rights of employees with a chronic illness, including HIV/AIDS.
11. Understand basic applications of laws, regulations or policies such as disability, health and leave benefits, the Federal Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and the Family and Medical Leave Act, as these apply to people living with HIV/AIDS in the workplace.
12. Know agency expectations, specifically policies and procedures which address co-worker responses to employees who are chronically ill, including those who are living or perceived to be living with HIV/AIDS.

13. Identify what are discriminatory behaviors/actions in the workplace.

14. Understand workplace behaviors or actions that are valued in terms of maximum productivity and optimum work environment.

15. Understand the importance of teaching young people how to protect themselves from HIV infection, and how to talk about HIV with children and adolescents.

Attitudinal objectives

Ideally, participants will indicate they:

1. View persons living or perceived to be living with HIV/AIDS no differently than persons with other life-threatening illnesses.

2. Feel more comfortable working with employees who are chronically ill, including those who are living or perceived to be living with HIV/AIDS.

3. Are more supportive of reasonable accommodations for employees who are chronically ill, including those living or perceived to be living with HIV/AIDS.

4. Feel less judgmental toward persons who are chronically ill, including those living with or perceived to be living with HIV/AIDS (with respect to the presumed or known behaviors that resulted in their infection).

5. Experience little or no fear of interacting with employees who are chronically ill, including those living or perceived to be living with HIV/AIDS.

Behavioral objectives

Participants should be able to:

1. Assess their own levels of risk for HIV infection.

2. Adopt behaviors that eliminate transmission risks.

3. Provide support for chronically ill employees including those who are living with HIV/AIDS.

4. Express willingness to participate in work assignment adjustments necessary to provide ''reasonable accommodation'' for chronically ill employees, including those living with HIV/AIDS.

5. Share HIV prevention information with others.

6. Apply information about the Federal Rehabilitation Act of 1973, Americans With Disabilities Act of 1990, Equal Employment Opportunity, Family and Medical Leave Act, as well as leave disability and health benefits information.

XI. OBJECTIVES FOR MANAGERIAL TRAINING

Behavioral objectives

Managers should be able to:

1. Apply policies and procedures for managing employees who are chronically ill, including those living or perceived to be living with HIV/AIDS.

2. Manage employee disclosures assuring that confidentiality is maintained. This is critical for staff who may want to disclose they are living with HIV/AIDS and for other staff that may want to voice concerns about working with someone living with HIV/AIDS.

3. Appropriately provide any necessary reasonable accommodation in collaboration with Human Resources personnel and the employee.

4. Manage the performance of employees who are chronically ill, including those living or perceived to be living with HIV/AIDS.

5. Discuss concerns with Human Resources or employee assistance personnel during the employee disclosure, accommodation, or referral process.

6. Manage sensitive documents reporting an employee's HIV or health status.

XII. POLICY STATEMENTS

As indicated above, the Presidential Directive requires all departments and agencies to review their personnel policies to ensure that they provide adequate protections for employees with a chronic illness, including those living with HIV/AIDS, while ensuring a comfortable and safe work environment. To accomplish this we suggest the following:

Review the Office of Personnel Management (OPM), Federal Personnel Manual Letter (FPM) 792–21 (March 1988) and Attachment of FPM Letter 792–21 (April 24, 1991), ''Acquired Immune Deficiency Syndrome (AIDS) in the Workplace.'' Applying the basic guidance from the FPM letter, establish or revise your own organizational policies. OPM is in the process of establishing a repository for all the policies from the various departments and agencies. Upon completion of your organization's policy statement, please send a copy to: Chief, Employee Health Services Branch, U.S. Office of Personnel Management, 1900 E Street, NW, Room 7412, Washington, DC 20415. If you have questions concerning the FPM letter or applicable policies, you may call the office at (202) 606–1269.

Each training participant should receive specific written policy information, as well as information outlining procedures for the disclosure process, counseling, disability and health insurance benefits. Distribution of a policy statement is not enough; each employee should receive a document that contains the names, locations and telephone numbers of the individuals associated with the administration of the following.

1. Equal Opportunity Employment.

2. Interpretation of the Federal Rehabilitation Act of 1973.

3. Interpretation of the Americans with Disabilities Act of 1990 (where applicable).

4. Health and disability retirement benefits information, Employee Assistance Programs and Counseling.

5. Family and Medical Leave Act.

6. State and local government interpretations.

7. Local union representatives (where applicable).

8. Occupational Safety and Health Administration (OSHA) guidelines, especially those related to possible occupational exposure to HIV.

XIII. GENERAL POLICIES FOR SUPERVISORS AND MANAGERS

Each department or agency should develop policies and procedures for employees with serious illnesses, including those living with HIV/AIDS, that are flexible enough to accommodate individual circumstances. In some situations it will be necessary to negotiate with the employee an appropriate workplace accommodation. This process should always include a designated representative from the Human Resources Department or the Employee Assistance Program (and may include a union representative).

Each department or agency must consult with their General Counsel in developing specific policies and procedures for employees with serious illnesses, including those living with HIV/AIDS. The following guidelines should be considered in developing those policies and procedures. A department or agency may develop policies that are more specific than those addressed here.

Privacy and confidentially

An employee's health condition is personal and confidential. Employees have understandable concerns over confidentiality and privacy about medical documentation and other information related to an HIV/AIDS diagnoses that is submitted for purposes of an employment decision.

Precautions must always be taken to protect information regarding an employee's health condition. It is inappropriate to report disclosures to other upper-level supervisors unless there is a documented ''need to know.'' (These cases are minimal and should be confirmed with your Human Resource Department.) Employees living with HIV/AIDS or other life-threatening illnesses are entitled to full coverage under the Federal Rehabilitation Act of 1973, the Americans With Disabilities Act of 1990, sick leave, Family and Medical Leave Act, leave bank programs, disability benefits, and equal employment opportunity. Should questions arise concerning such matters, contact your Human Resources Department.

Some employees work in occupations that may put them at greater risk of HIV infection (e.g., medical facilities, laboratories, security personnel who might come in contact with blood, etc.). These employees should attend a training session with special emphasis on the use of universal precautions where there might be exposure to blood-borne pathogens. These guidelines can be obtained from OSHA.

General practices for discussing disclosures

Generally, when employees disclose any life-threatening illness, including HIV/AIDS, a supervisor should not immediately initiate any sudden changes in the employee's working environment. Be sensitive to the possible contribution of anxiety over this condition to work behavior. Any part of the disclosure process should include discussions with the employee, the first-line supervisor, and a representative from the Human Resources Department or the Employee Assistance Program (and may include the employee's union representative.)

Making ''Reasonable'' accommodations

The purpose behind reasonable accommodations is to provide alternatives for employees living with disabilities, in this case HIV/AIDS, to continue productive work as long as possible. Reasonable accommodations provide a work environment where individuals living with disabilities can maximize their productivity and continue to be part of the workforce. The implementation of reasonable accommodations usually has a positive impact on all staff, as it communicates the willingness of managers to care for the individual needs of employees.

What reasonable accommodates does not mean is that employees with disabilities, including those living with HIV/AIDS, are held to significantly different performance standards than employees without disabilities in similar positions. It also does not mean new jobs must be created to accommodate any employee living with a disability.

When look at an individual employee's condition, consider changes in work assignments like job restructuring, reassignment, liberal leaves or flexible schedules for employees living with HIV/AIDS in the same manner as for other employees whose medical conditions affect their ability to perform safely and reliably. In so doing, observe established policies governing qualification, internal placement, transfers and other staffing requirements. Alternate work scheduling is often the least expensive and simplest accommodation.

Addressing co-workers' concerns

Be sensitive and responsive to co-workers' concerns, and emphasize the need for education. Be clear that mistreatment, harassment, malicious gossip, or hurtful actions in the workplace will not be tolerated. Through educational efforts and private discussions, teach employees that no medical basis exists for refusing to work with a fellow employee, or clients of a department or agency, living with HIV/AIDS.

XIV. TRAINING SUGGESTIONS

The following recommendations are made by the Office of National AIDS Policy to assure quality in this initiative. By following

these suggestions you can reduce training obstacles, ensure quality standards, and expedite the educational process.

1. Upon reviewing these guidelines, examine your organizational structure, the composition of your workforce and any logistical considerations that impact on training. By looking at other training programs offered by our department or agency, you may determine the most appropriate method for conducting HIV/AIDS workplace training for your staff.

2. To achieve consistency, coordinate the training at every level throughout the organization. Request initial input from department heads who can ensure the plan is carried out consistently. Develop a network of HIV/AIDS coordinators throughout your organization. Share the educational plan with them, develop a strategy and schedule the sessions. Also, you may want to include union representatives in your network of coordinators.

3. Establish a local-area network (LAN) bulletin board for questions and answers concerning HIV/AIDS issues, employee benefits, leave programs, interpretation of the Family and Medical Leave Act, policies affecting the terminally ill, etc. Keep entries into the system confidential.

4. Collect questions anonymously and publish answers in employee newsletters. If your own organization does not have a newsletter, perhaps your union does.

5. If your organization employs someone living with HIV/AIDS, and he/she feels comfortable talking to a group, you may invite the employee to a question and answer session or to make brief presentations, especially for World AIDS Day, December 1. These presentations, if included in the training, should not exceed 20 minutes.

6. For workplaces where the risk of occupational exposure to HIV may be greater (i.e., occupations in which employees routinely, or are likely in some circumstances, to come in contact with blood or blood products), a special training session on ''Bloodborne Pathogens/Universal Precautions'' in addition to the general HIV/AIDS training session may be appropriate. Be sure to inform the class of the exact date, time and location. Detailed, or specific questions about bloodborne pathogens and universal precautions can be answered in the Bloodborne Pathogens session.

7. Keep the education and policy modules together and offer them as one session, including a discussion of workplace policies and procedures. (Managers and Supervisors may need more details from the policy representative.)

8. When asked hypothetical questions that demand complex explanation, maintain credibility and try to negotiate the discussion back to the facts and objectives. Politely refer ''highly improbable'' questions to designated Human Resource or employee assistance personnel. You may want to visually tract the questions (using a flipchart etc.), ensuring that each question is addressed by the end of the session. However, if too many questions are deferred, the instructor may lose credibility. A skilled, experienced instructor will strive to provide the necessary balance.

9. Conduct pilot sessions to validate your training sessions and ask for input from unions, human resources, training and employee assistance departments. Optimally, retain the same effective instructors throughout your agency's or organization's program.

10. Before conducting the pilot sessions, take time with the instructor to discuss the employees who will be attending the sessions. (Are they analysts, lawyers, accountants, support staff?) The instructors will not need great detail, but a little background information will make the instructor more at ease and ''set the stage'' for successful training.

11. Work with your training departments and ensure that basic components of the HIV/AIDS training, especially policy, are incorporated in required managerial training and new employee orientation. If you do not have a new employee orientation program, maintain accurate records and provide future HIV/AIDS training sessions as needed. Remember this initiative is ongoing and HIV/AIDS workplace education must become a part of all employee's ongoing training.

12. As an option, offer some weekend or evening sessions to include family members, friends of employees, and other members of the community who interact with your department or agency.

13. During the training, provide supplemental information regarding discussions of HIV/AIDS with children and teens. The theme for World AIDS Day, December 1, 1994, will be ''AIDS and the Family.'' You may want to offer seminars or workshops emphasizing ''AIDS and the Family'' throughout the year, or during the week of December 1, 1994.

14. Provide additional information to all employees to enhance and reinforce understanding about the nature and transmissions of HIV/AIDS. Use news bulletin, personnel management directives, meetings, guest experts. Q&A sessions, films and video newsletters, union publications, fact sheets, pamphlets.

XV QUARTERLY REPORTS

Each department and independent agency is required to send quarterly reports to the Office of National AIDS Policy. These reports are compiled and sent directly to the President. Accurate record keeping will expedite the report writing process. The FWAEI Quarterly Report should include:

1. The number of staff trained during the quarter, including number of classes and average class size.

2. The total number of staff trained since inception of the initiative (September 30, 1993).

3. The percentage of the total staff of the department or agency that (2) represents.

4. Any difficulty faced in implementing the HIV/AIDS education program (logistical problem, unclear communications, personnel resistance).

5. Progress made in updating and revising departmental non-discrimination policies.

6. Future plans and milestones in implementing the HIV/AIDS initiative within your department or agency. (How many employees are scheduled during the next quarter, and foreseen barriers to full implementation.)

7. List private-sector and non-profit organizations who have visited with you about their training programs.

8. Other activities you plan or have scheduled to re-emphasize AIDS Awareness, especially for World AIDS Day, December 1, 1994. Include any press articles about your implementation of the Federal Workplace AIDS Education Initiative.

9. For the last report of the year, your future plans section must include what will be your plans for conducting training for the following calendar year. This shall include how many people you estimate to be trained per quarter for the following year.

Due dates for future reports are June 15, September 15, December 15. All reports should be faxed or mailed to the Federal Workplace AIDS Education Coordinator. Mailing information follows.

Office of National AIDS Policy contact

For information about these guidelines, contact the Federal Workplace HIV/AIDS Education Coordinator, Executive Office of the President, Office of National AIDS Policy, 750 17th Street, Suite 1060, Washington, DC 20503, telephone (202) 690–5560 or FAX (202) 690–7560.

Interagency meetings

Each month the Office of National AIDS Policy Conducts a meeting to discuss questions, as well as to present materials that have been developed by organizations for the FWAEI. The meeting is open to Federal and non-Federal employees. Meeting notices are normally faxed and not confirmed by a mailing. Please be sure that your contact name, address, telephone number and fax number are correct with the Office of National AIDS Policy. (See Office of National AIDS Policy Contact.)

XVI. RESOURCES

The Office of National AIDS Policy, the Department of Energy, the Office of Personnel Management, and other Federal agencies have collaborated with the Department of Health and Human Services' employee assistance program to develop training packages which comply with these guidelines. Supervisor training materials are nearly completed and your agency FWAEI contact will be notified when these training packages are available.

Materials should include resources and information provided by local community based organizations who work with HIV/AIDS related issues. The CDC National AIDS Clearinghouse can help you find information (800) 458–5231. The Centers for Disease Control and Prevention's National AIDS Hotline number, 1–800–342–AIDS, must be included in all resource information. Throughout the training, this number should be clearly posted in the room.

XVII. SUGGESTED READINGS

Periodicals

''A Case of AIDS'' by Richard S. Tedlow and Michele S. Marram, Harvard Business Review, November–December 1991, pages 14–25.

''AIDS Education Is a Necessary High-risk Activity,'' by Jonathan A. Segal, HRMagazine, February 1991, pages 82–85.

''AIDS Policy & Law,'' a bi-weekly newsletter of Buraff Publications, 1350 Connecticut Avenue, N.W., Suite 1000, Washington, DC, 20036, (202) 862–0926.

''Financial Realities of AIDS in the Workplace,'' by Vaughn Alliton, HRMagazine, February 1992, pages 78–81.

''Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome Training from a Union Perspective,'' by Elaine Askari, MPH, and John Mehring, B.A. American Journal of Industrial Medicine, 22:711–720 (1992).

''AIDS Reference Guide,'' published by Atlantic Information Services, 1050 17th Street N.W., Suite 480, Washington, DC 20036, (202) 775–9008.

''Removing the Mystery from AIDS Education,'' by Anne E. Jordheim, Ed.D., R.N., Management Review, February, 1990, page 20.

''Why AIDS Policy Must Be a Special Policy,'' by Ron Stodghill II, Russell Mitchell, and Karen Thurston, and Christina Del Valle, Business Week, February 1, 1993, pages 53–54.

Books

The AIDS Benefits Handbook by Thomas P. McCormack published in 1990 by Yale University.

AIDS Handbook by Brenda S. Faison, M.P.D. and edited by Laila Moustafa, Ph.D., published in 1991 by Designbase Publishing, P.O. Box 3601, Durham, North Carolina, 27702–3601.

AIDS in the Workplace, Legal Questions and Practical Answers, by William F. Banta,

published in 1993 by Lexinghouse Books, 866 Third Avenue, New York, NY 10022.

Getting the Word Out, A Practical Guide to AIDS Materials Development by Ana Consuelo Mariella, 1990 by Network Publications, P.O. Box 18830, Santa Cruz, CA, 95061–1830.

The Guide to Living with HIV Infection by John G. Bartlett, M.D. and Ann K. Finkbeiner, published in 1993 by The Johns Hopkins University Press, 2715 North Charles Street, Baltimore, Maryland 21218–431.

Managing AIDS in the Workplace, by Sam B. Puckett, L.L.B., M.B.A. and Alan R. Emery, Ph.D., published in 1988 by Addison-Wesley Publishing Company, Reading MA.

Preventing AIDS, A Guide to Effective Education for the Prevention of HIV Infection, American Public Health Association, 1015 Fifteenth Street, NW, Suite 300, Washington, DC 20005 (202) 789–5600.

Training Educators in HIV Prevention, An Inservice Manual by Janet L. Collins, Ph.D. and Patti O. Britton, 1990 by Network Publications, P.O. Box 1830, Santa Cruz, CA 95061–1830.

We Are All Living With AIDS, How You Can Set Policies and Guidelines for the Workplace, by Earl C. Pike, published in 1993 by Deaconess Press (a service of Fairview Riverside Medical Center, a division of Fairview Hospital and Healthcare Services), 2450 Riverside Avenue South, Minneapolis, MN 55454.

100 Questions and Answers About AIDS by Michael Thomas Ford, published in 1993 by New Discovery Books, MacMillian Publishing Company, 866 Third Street, New York, NY 10022.

Message #1

Subject: Mandatory HIV/AIDS training.

Author: Stec at FAS07.

Date: 01/31/95 02:27 p.m.

On September 30, 1993, President Clinton mandated Federal HIV/AIDS education for all Federal employees. To comply with this Presidential mandate, the Foreign Agricultural Service is presenting the attached mandatory HIV/AIDS training sessions.

Please attend the session scheduled as indicated or arrange to switch session with a coworker.

Supervisors are responsible for disseminating this information to their employees and for certifying that all employees under their supervision attend a session of the mandate training.

Please contact Charlotte Stec, 720–1596, if you have any questions regarding this training.

Message #2

Subject: PL 480 status of PA report.

Author: Rivera JA at FAS15.

Date: 01/31/95 03:13 p.m.

The monthly Public Law 480 ''Status of PA'' report is now available on the ''u'' drive. To access it, go to ''pl480'' from the Windows' File Manager, since this is a Lotus file, and click on ''title1''. This report shows Public Law 480, Title I agreements signed, purchase authorizations issued, and sales registered. For information, please call José Rivera at 720–6286.

TRAINING PROGRAM

Please attend the session scheduled as follows in accordance with your last name. This is mandatory training for all Federal employees. If you cannot attend your scheduled session, please arrange to switch sessions with a coworker.

Attendance will be taken. All participants should bring a pencil or pen with them.

A Sign Language Interpreter will be provided for the afternoon session of February 7th only. Employees requiring special accommodations should contact Charlotte Stec.

Date, Time, Location, Last Name, Begins in Letters

February 7, Tuesday 8:30–11:30 a.m., 12:30–3:30 p.m., Jefferson Auditorium, A–BE, BI–CI.

February 8, Wednesday 8:30–11:30 a.m., 12:30–3:30 p.m., Jefferson Auditorium, CL–DI, DO–GA.

February 9, Thursday 8:30–11:30 a.m., 12:30–3:30 p.m., Jefferson Auditorium, GE–HAN, HAR–HO.

February 14, Tuesday 8:30–11:30 a.m., 12:30–3:30 p.m., Jefferson Auditorium, HU–KI, KL–MA.

February 16, Thursday 8:30–11:30 a.m., 12:30–3:30 p.m., Jefferson Auditorium, MC–M, N–PL.

February 17, Friday 8:30–11:30 a.m., 12:30—3:30 p.m., Jefferson Auditorium, PO–RO, RU–SL.

February 24, Friday 8:30–11:30 a.m., 12:30–3:30 p.m., Jefferson Auditorium, SM–TI, TO–WES.

February 28, Tuesday 8:30–11:30 a.m., Jefferson Auditorium, WET–Z.

(For further information or questions, contact Charlotte Stec, HIV/AIDS Coordinator, on 720–1596 or FAX 720–2016.)

[From the Washington Times, Mar. 27, 1995]

MANDATORY FEDERAL AID CLASSES CITED AS PROMOTING GAY AGENDA

TRAINING ADDRESSES RELIGION AS BARRIER

(By Rowan Scarborough)

The Clinton administration's guidelines for mandatory AIDS training of all federal employees call for the ''breaking down of audience resistance'' to the program's teachings if that resistance is based on ''religious beliefs.''

The training manuals portray people opposed to condom distribution in schools as ''partisans.'' They tell trainers to use the words ''sex partners'' instead of ''husband and wife'' and ''injecting drug user'' instead of ''addict.''

Would-be trainers have to discuss their views on ''homosexuality for my child'' as part of the selection process.

A federal worker who underwent training this month said she was offended when the instructor, a private contractor, began talking about her grandmother's likely sex practices.

''I was shocked and upset when the instructor personalized anal sex for each person in the room by saying our grandmothers probably practiced birth control by participating in anal sex,'' said the worker, who described the three-hour session on the condition that she not be identified.

''I was highly offended,'' she said, ''I have a very godly grandmother, and I just broke down and cried. I guess they're trying to say homosexuals do it that way and so did your grandmother.''

The guidelines are in documents from the departments of Energy, Health and Human Services, and Agriculture. Other departments are believed to use similar guidelines, which are coordinated and approved by the White House.

Aimed at the 2.1 million federal employees, the ''Federal Workplace AIDS Education Initiative'' was authorized last year by Mr. Clinton, whose campaign received political and financial support from the homosexual community.

Administration rules for AIDS instruction tell trainers:

To avoid certain terms, such as ''husband and wife,'' ''homosexual men,'' ''promiscuous,'' ''sexual preference'' and ''addict.''

To deflect ''homophobic comments'' during a training session by saying, ''There is some division of opinion on that point.''

To watch out for troublemakers among the pupils. A federal worker who takes an ''intransigent point of view'' on condom distribution in schools or needle distribution is pegged as a ''partisan.'' A ''heckler'' is someone who ''expresses disbelief, disgust or scoffs at content and processes.'' A ''moralist'' believes that ''people who are HIV-infected through sex or drug use deserve what they get.''

To suggest that a person use his own drug-injection equipment or try ''disinfecting with bleach'' to avoid getting the human immuno-deficiency virus, which causes AIDS.

The Department of Energy's AIDS program is titled, ''Walkin' the Talk'' and includes a discussion of ''serial monogamy,'' which it defines as an ''exclusive sexual relationship with one individual at a time.''

''Practicing serial monogamy and therefore having several sexual partners, even over an extended period of times, may place one at risk for HIV infections unless he or she practices safer sex,'' the program says.

One of the training manuals included a scoring system titled ''Values About HIV/AIDS-Related Issues.'' It was used to select AIDS instructors.

Candidates were asked to rate their opinion on several topics, including ''sex without love,'' ''sex outside of a committed relationship,'' ''homosexuality for my child,'' ''stiff sentences for injection-drug users who share needles and other drug-injection paraphernalia,'' and ''laws to protect homosexuals from discrimination in housing, jobs and public accommodations.''

Jim Woodall, a vice president of the conservative group Concerned Women for America, said President Clinton should ''cease and desist'' the training. He said the goals could be achieved by giving employees a Centers for Disease Control and Prevention brochure on AIDS prevention.

''We have been suspecting for a long time that AIDS education is being used as a facade to promote the homosexual lifestyle,'' Mr. Woodall said. ''AIDS education used in public schools and college campuses has now invaded our government, where the president is mandating federal employees to sit down for four hours for this type of education. It's a fraud.''

Mr. Woodall's 600,000-member organization is compiling information on the program.

''I do not have any problem with gays relating to gays when talking about sex,'' he said. ''The issue is, the U.S. government is promoting that agenda using taxpayer dollars.''

Richard Sorian, White House spokesman on AIDS policy, disagreed with the group's characterization of the program. ''The effort has been a very successful effort to supply people with information that allows them to protect themselves and protect their family,'' he said.

He said Concerned Women for America is misinterpreting some of the training material. For example, he said, the section on ''breaking down audience resistance'' based on religion is an effort to have workers air those concerns so they can be discussed.

''They are not trying to change someone's religious beliefs at all,'' Mr. Sorian said. ''What they are talking about is beginning the instruction with any concerns they have or religious belief that might make them uncomfortable with the discussion so they can be comfortable in the discussion.''

Mr. Sorian said such words as ''addict'' are avoided for a good reason: ''If you say drug addicts are susceptible to HIV, but they don't consider themselves an addict, then they don't recognize themselves as an addict.''

He said he has received ''positive feedback'' from participants who have used the

information to educate others. The program is scheduled to end this week. The White House AIDS office then will know how many workers were reached.

Some federal workers have objected to the training.

A defense Department employee said he walked out during his department's session.

''I don't believe I should sit next to a female and be told how to do intercourse, no matter how sidetracked they go,'' said the employee, who requested anonymity. ''I don't want to be in mixed company and talk about a lifestyle I'm not involved in, that I don't approve of. I don't care to be instructed by Big Brother in things I avoid.''

A Drug Enforcement Administration worker who objected to attending AIDS training was ordered to attend or be disciplined for insubordination.

Mr. Woodall said the system ''weeds out any people who have a problem with the gay lifestyle.''

MARCH 31, 1995.

Senator JESSE HELMS,
Century Post Office Building,
Raleigh, NC.

DEAR SENATOR HELMS: At a time when our total federal budget is under scrutiny, it seems appropriate to study all expenditures. Within USDA,ARS our budgets for agricultural research are particularly tight. Nevertheless, we spend a tremendous amount of time in all types of training sessions. This week we were required to attend a mandatory HIV/AIDS training session which is apparently required by the President of all Federal employees. This results in millions of dollars in lost man hours and consequently wages. We also were required to take a pre- and post-class test. Unfortunately, at least in our agency, there is no way to test out of the class time. Since we are mostly biological scientists we learned essentially nothing. The enclosed material was to be read prior to the class and thereby using more of our valuable time. Some of this material is not appropriate for the workplace (e.g. how to have safe oral sex, page 28), and it does seem to be necessary for government time and money.

I hope you and other congressional members will carefully consider the cost/benefits of our numerous training sessions. The taxpayer's money can be better spent on research in our agency than in peripheral training sessions not suited to us.

Sincerely,

Mr. HELMS. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

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

Mr. HELMS. Mr. President, I ask unanimous consent to lay aside the previous amendment so that I can offer another amendment.

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

AMENDMENT NO. 1857

(Purpose: To limit amounts appropriated for AIDS or HIV activities from exceeding amounts appropriated for cancer)

Mr. HELMS. I now send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1857:

At the appropriate place, insert the following new section:

SEC. . LIMITATION ON APPROPRIATIONS.

Notwithstanding any other provision of law, the total amounts appropriated for any fiscal year for AIDS and HIV activities may not exceed the total amounts discretionary funds appropriated for such fiscal year for activities relating to cancer.

Mr. HELMS. As the clerk has read, Mr. President, this amendment proposes that the Ryan White CARE Reauthorization Act of 1995 have this provision to guarantee that any and all Federal funds authorized and appropriated for HIV/AIDS will not exceed the total Federal funds authorized and appropriated for and in connection with the disease of cancer.

The leading cause of death in America today is heart disease, followed closely by cancer. HIV/AIDS ranks ninth, No. 9—I believe, as a matter of fact, they lowered it to No. 8. So make that read HIV/AIDS ranks eighth in the number of deaths it causes. It is of interest that HIV/AIDS receives $2.7 billion per year in Federal funding, which exceeds Federal funding in connection with any other disease. Heart disease, for example, Mr. President, kills more than 720,000 Americans every year, and $805 million in Federal funds are allocated and appropriated for heart disease. Cancer kills 515,000 Americans, and it receives $2.3 billion.

I think the arithmetic of all of this, Mr. President, speaks for itself. I want the RECORD to show that I hope a cure for HIV/AIDS is found tomorrow morning, and I encourage every research effort toward this end. However, I have to make it clear that I am appalled at what has become a total politicization of Federal funding for medical research and health services.

The pending amendment stipulates that Congress may not authorize or appropriate more money for HIV/AIDS than is authorized and appropriated in connection with the disease cancer. More people are dying from heart disease and cancer and stroke and lung disease and accidents and pneumonia and diabetes and Alzheimer's and suicide than die from AIDS. Each one of these kills more people than does the disease AIDS, yet AIDS receives a disproportionate amount of the taxpayers' money.

On average, the Federal Government spends about $91,000 on every person who dies of AIDS. The Federal Government spends about $5,000 for every person who dies of cancer.

Now, I have my own ideas about priorities, but that is an issue for another day. And I think I am correct in my impression that Americans agree that this discrepancy is neither fair nor equitable.

In a nutshell, the pending amendment will bring a measure of equity and fairness to the existing priorities in the area of HIV/AIDS funding. As long as cancer kills 18 times as many people as AIDS, and AIDS nonetheless receives more Federal funding, it is time I think that Congress established some new equitable priorities.

Mr. President, I ask that all of my previous amendments be set aside enabling me to ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I yield the floor.

Mrs. KASSEBAUM. Mr. President, I am not sure if we are ready to propound a unanimous-consent agreement yet or not.

Mr. HELMS. I am certainly ready to hear it.

Mrs. KASSEBAUM. No, I guess we are not. So if I may just for a moment respond to several of the amendments that have been put forward by Senator HELMS. On the amendment that talks about promotion of homosexual activity. I certainly have great sympathy for wanting to limit what the activities might be supported. I will be introducing an amendment which addresses that same issue but perhaps not in the same way as Senator HELMS. I will not get into a definition of the amendment. Since the unanimous-consent agreement has not been put forward yet, I am not sure whether we should go ahead and send our amendments to the desk, but perhaps we will get them all out and then we can decide what to do.

AMENDMENT NO. 1858

(Purpose: To prohibit the use of funds for certain activities)

Mrs. KASSEBAUM. I send to the desk an amendment. I ask unanimous consent to set aside the amendments.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report the amendment of the Senator from Kansas.

The assistant legislative clerk read as follows.

The Senator from Kansas [Mrs. KASSEBAUM] proposes an amendment numbered 1858.

Mrs. KASSEBAUM. 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. . PROHIBITION ON PROMOTION OF CERTAIN ACTIVITIES.

Part D of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–71) as amended by section 6, is further amended by adding at the end thereof the following new section:

"SEC. 2678. PROHIBITION ON PROMOTION OF CERTAIN ACTIVITIES.

''None of the funds authorized under this title shall be used to fund AIDS programs, or to develop materials, designed to promote or encourage, directly, intravenous drug use or sexual activity, whether homosexual or hetero-sexual. Funds authorized under this title may be used to provide medical treatment and support services for individuals with HIV.''.

Mrs. KASSEBAUM. The amendment I have sent to the desk will prohibit the use of the Ryan White CARE Act funds to support activities which promote homosexuality. This provision will assure that the funds allocated under this act would be used to provide treatment for individuals. There would be no funds to be used for promotion of homosexual activities. I offer this amendment because I am aware that some of my colleagues are concerned that the CARE activities may lead to increased sexual activity or to increased drug use. Specifically, some are concerned that needle exchange programs and prophylactic distribution programs may lead to increased homosexuality or drug abuse. Whether or not these concerns are valid, my amendment makes it clear that none of the funds expended under this act could be used for such promotion activities. Rather, this provision would assure that CARE Act funds would be used for treatment. In this regard, it is more narrow than the amendment that has been offered by Senator HELMS in that it clearly states that the CARE Act funds are for treatment only, not prevention or homosexual promotion activities.

I offer this amendment because I would like to have us fully consider some of the language and implications of that language, and that will be set aside at such time as we come to a vote on the legislation.

Senator HELMS also put forward an amendment to ensure that Federal employees will not be required to attend or participate in AIDS training programs. I would for myself think that is a very sensible amendment. Mr. President, it does seem to me that we should not have to require attendance of Federal employees for such programs. I would like to say, though, I do not believe that the intent was to design these programs to change the lifestyle of Americans. I think the intent was to really try to have an understanding of AIDS, what it was about, what type of disease it was. But I really myself strongly will support Senator HELMS and say that in my mind it should not be a required attendance.

Another amendment that Senator HELMS put forward was on the funding. He would hold the funding levels to the same as they are in 1995. Mr. President, the House Appropriations Committee has appropriated $656 million for 1996. If we take the 1995 level, that is $651 million. But holding it until the year 2000 when AIDS cases are increasing at 20 percent a year seems to me to be a very difficult way for us to address this issue at this time. And I think it clearly should be left up to the appropriators. I know that the appropriators today—the Presiding Officer is on the Appropriations Committee—are not going to be frivolous in the moneys they spend. And I have a great deal of confidence that they will take into consideration the needs that are addressed that have to be met in the Ryan White CARE legislation and will consider wise and sensible use of those funds. So that amendment I would just have to oppose because I think putting that type of restraint until the year 2000 clearly would do a disservice to many who are in serious need.

The other amendment was regarding funding equity. And I will be considering another amendment to address that issue because, as I mentioned earlier, it is of great concern. And one of the things where we would differ is what moneys go to research and is discretionary funding and what moneys come from, say, Medicare and Medicaid and the Social Security disability funding. That makes a big difference in the total amount, and I think it is important that there is an understanding regarding that difference. So, I will be putting forward another amendment on funding equity a bit later as we complete this debate.

I yield the floor, Mr. President.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I will just take a moment because the Senator from Kansas has outlined what I think has been a very responsible and thoughtful series of options for the Senate to make a judgment and a decision upon. They will be available to the Members as they examine these issues over the nighttime, and then we will have a chance to address them tomorrow and, hopefully, reach a final resolution. I think she has summarized the reasons and justifications for the positions which she has outlined, and I am in very substantial agreement. With some issues along the way we may have some difference. But I think there will be a series of alternatives for the Members to make a judgment on these matters on tomorrow and, I think, for the Members to make a final judgment on these questions tomorrow as well.

What remains will be the Gregg amendment, which deals with the exports of various pharmaceuticals and medical devices that have not been approved by the FDA or, for that matter, approved by the other 21 different countries that have regulatory agencies. He will best describe his amendment. This is a matter which is before the Human Resources Committee, and it certainly was my impression up until this afternoon that that would be a part of the whole FDA reorganization and structure. It is appropriate that it should be because we have a different criteria, for example, for pharmaceuticals and how the FDA treats those versus biotech and medical device legislation. So, I had thought we would be addressing that as part of our total FDA review.

It has been the judgment of the Senator from New Hampshire to offer that measure, which initially, as I understand it, was a Hatch measure to this proposal. And we will have a chance to discuss that in the morning and make some judgment on that issue. And I would certainly invite our colleagues to pay close attention to the debate that will, hopefully, take place at 9:30 if we are able to work through our consent agreement.

Mr. President, I have more extended remarks on some of these measures which I will either make this evening or include in the RECORD. Hopefully, we are at a point where we might be able to consider a consent agreement, and I have been here long enough to know that, if that is possible, it is wise to try to take advantage of the opportunity before it may escape.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER (Ms. SNOWE). The Senator from Kansas.

Mrs. KASSEBAUM. I ask unanimous consent that the name of the Senator from New Mexico, Senator DOMENICI, be added as a cosponsor.

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

Mrs. KASSEBAUM. It is my understanding we are close to being able to put forward the unanimous-consent agreement. I think there still needs to be a couple of additional checks made.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. If the Senator will yield.

It is perfectly acceptable to me, Madam President.

It will take a unanimous consent to vary the order in which the amendments were presented, is that not correct?

The PRESIDING OFFICER. That is correct.

Mr. HELMS. Just so there will be no accidental mistake made, I ask unanimous consent that all amendments be voted on tomorrow morning in the order in which they were presented.

The PRESIDING OFFICER. Is there any objection?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Could the Senator state again what the request was? As I understood it, we were in the process of trying to work out a consent request to cover the disposition of the measures tomorrow.

Mr. HELMS. If the Senator will yield. I am not suggesting anything that would vary the unanimous consent that I hold in my hand. I favor that. I simply want to be sure that all amendments are voted upon in the order in which they were presented.

Mr. KENNEDY. I see the Senator from Kansas on the floor.

Mrs. KASSEBAUM. Well, I did not present my amendment regarding promotional activities until you had completed presenting all of your amendments. I wonder in the voting if they could not follow each other, so that we are——

Mr. HELMS. Is that the one where you deleted the second half of mine?

Mrs. KASSEBAUM. Yes. Although it is changed.

Mr. HELMS. You did not change the language in the first half?

Mrs. KASSEBAUM. Yes. It is a different approach because it is just targeted to the care, but using some similar language.

We are going to end up voting on the Senator's amendment. This says the same thing but does not get into a definition.

Mr. HELMS. Madam President, I am going to have to suggest the absence of a quorum on this one because that is a contradiction of my understanding. Perhaps I can correct it. May I see a copy?

Mrs. KASSEBAUM. The Senator has it.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HELMS. Madam President, I ask that it be in order for the Senator from North Carolina to ask for the yeas and nays on final passage on the Ryan White bill.

The PRESIDING OFFICER. It is in order.

Mr. HELMS. 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. HELMS. I thank the Chair. I yield the floor.

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. KASSEBAUM. Madam 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. 1859

(Purpose: To strike provisions relating to the medicare wage index)

Mrs. KASSEBAUM. Madam President, I send an amendment to the desk on behalf of Senator GRAHAM of Florida for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mrs. KASSEBAUM] for Mr. GRAHAM proposes an amendment numbered 1859.

Mrs. KASSEBAUM. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 41, line 7, strike ''the product of—'' and all that follows through line 15, and insert the following ''an amount equal to the estimated number of living cases of acquired immune deficiency syndrome in the eligible area involved, as determined under subparagraph (C).''.

On page 43, strike lines 1 through 13.

On page 43, line 14, strike ''(E)'' and insert (D)''.

On page 43, line 24, strike ''(F)'' and insert (E)''.

On page 44, line 3, strike the end quotation marks and the second period.

On page 46, line 5, strike ''the product'' and all that follows through line 14, and insert the following ''an amount equal to the estimated number of living cases of acquired immune deficiency syndrome in the eligible area involved, as determined under subparagraph (D).''.

Beginning on page 46, line 17, strike ''means the'' and all that follows through line 8 on page 47, and insert the following: ''means an amount equal to the sum of—

''(i) the estimated number of living cases of acquired immune deficiency syndrome in the State or territory involved, as determined under subparagraph (D); less

''(ii) the estimated number of living cases of acquired immune deficiency syndrome in such State or territory that are within an eligible area (as determined under part A).''.

Beginning on page 48, strike line 1 and all that follows through line 14 on page 49.

On page 49, line 15, strike ''(F)'' and insert (E)''.

On page 49, line 19, strike ''(G)'' and insert (F)''.

On page 50, line 4, strike ''(H)'' and insert (G)''.

On page 53, between lines 20 and 21, insert the following new section:

SEC. 7. STUDY ON ALLOTMENT FORMULA.

(a) STUDY.—The Secretary of Health and Human Services (hereafter referred to in this section as the ''Secretary'') shall enter into a contract with a public or nonprofit private entity, subject to subsection (b), for the purpose of conducting a study or studies concerning the statutory formulas under which funds made available under part A or B of title XXVI of the Public Health Service Act are allocated among eligible areas (in the case of grants under part A) and States and territories (in the case of grants under part B). Such study or studies shall include—

(1) an assessment of the degree to which each such formula allocates funds according to the respective needs of eligible areas, State, and territories;

(2) an assessment of the validity and relevance of the factors currently included in each such formula;

(3) in the case of the formula under part A, an assessment of the degree to which the formula reflects the relative costs of providing services under such title XXVI within eligible areas;

(4) in the case of the formula under part B, an assessment of the degree to which the formula reflects the relative costs of providing services under such title XXVI within eligible States and territories; and

(5) any other information that would contribute to a thorough assessment of the appropriateness of the current formulas.

(b) NATIONAL ACADEMY OF SCIENCES.—The Secretary shall request the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study described in such subsection. If such Academy declines to conduct the study, the Secretary shall carry out such subsection through another public or nonprofit private entity.

(c) REPORT.—The Secretary shall ensure that not later than 6 months after the date of enactment of this Act, the study required under subsection (a) is completed and a report describing the findings made as a result of such study is submitted to the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

(d) CONSULTATION.—The entity preparing the report required under subsection (c), shall consult with the Comptroller General of the United States. The Comptroller General shall review the study after its transmittal to the committees described in subsection (c) and within 3 months make appropriate recommendations concerning such report to such committees.

On page 53, line 21, strike ''7'' and insert ''8''.

Mrs. KASSEBAUM. Madam President, this amendment has been agreed to by both sides. It addresses a problem that would exist particularly in Florida regarding formula. It is designed to be of assistance in addressing that in a way that we have all agreed we think works, to everyone's benefit.

Mr. KENNEDY. Madam President, I urge the acceptance of the amendment. This addresses some of the special needs of the State of Florida. I think it is justified. I hope the amendment would be accepted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1859) was agreed to.

Mrs. KASSEBAUM. Madam 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. HATCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HATCH. Madam President, they are trying to put together a final agreement so that they can go out tonight. Until they do, let me take a few minutes and express myself on the Ryan White bill.

Madam President, people are dying. People are dying and we have the chance today or tomorrow to enact legislation that will really make a difference—really make a difference in their lives, and the lives of their families and friends who love them.

We have the chance to enact legislation that will help alleviate some of the pain and suffering of individuals who are infected with HIV.

We have a chance to enact bipartisan legislation showing that Congress cares more about people—about people who are critically ill and need our help—than about how those people got ill.

Madam President, in 1981, two physicians unknown to each other, on opposite ends of the United States, made similar observations that they would

then publish in their respective medical journals.

They noted that a small group of their otherwise healthy patients were becoming infected with organisms that would normally affect individuals who were for some reason immune-suppressed. In layman's terms—these patients had a weakened immune system.

By the end of the following year, 1982, almost a thousand cases of the disease had been reported to the Centers for Disease Control. Congress had appropriated $8 million for research to combat this mysterious virus.

Over the next few years, the number of such cases dramatically increased and began to spread throughout the country, as did our realization that the virus, now called acquired immune deficiency syndrome, AIDS, was not going to be eradicated overnight.

Funding for research rose to $44 million in fiscal year 1983, $104 million in fiscal year 1984 and by fiscal year 1990 had reached $3 billion. By 1987, there were cases in each of our 50 States.

As I look back, I recall how AIDS began to touch on each of our daily lives, as the number of cases grew, and the need for increasing research and service-related funding for this growing epidemic.

We began to expand funding beyond the Department of Health and Human Services, to the Department of Defense, the Agency for International Development, and the Bureau of Prisons.

We funded the Department of Labor, the Department of Housing and Urban Development and the Veterans Administration. We provided funding through the Federal Employees Health Benefits Program.

Our response grew with the magnitude of the disease, as it should continue today.

As I think back to the early days of AIDS, and how the growing numbers of infected individuals and the resultant death toll caused this country so much alarm and panic.

Unfortunately, as with any unsuspected crisis, the immediate response from many—including members of both houses of Congress—could be characterized as denial, anger, and blame. Fortunately, over time, our compassion has grown for those infected with this insidious virus, as our understanding about the causes of and treatments for this devastating disease increased.

As I look back, I think of the swift reaction of our health care community, yet how painfully clear it was that both our research and service delivery infrastructures lacked the capacity to address the growing number of cases of HIV infection.

I talked about our growing research effort. I did not talk about the dedication of our scientists, and their ensuing frustration, as a cure—or even a vaccine—continued to elude our grasp.

Today, they still remain outside our grasp.

As I look back, I recall how the service delivery programs evolved—the AIDS service demonstration projects, the home and community-based health services grant programs, and the AIDS drug reimbursement program—yet we still could not keep pace with the need for services in our communities.

They came out of our Labor Committee, and we were proud to authorize those programs which have really served to help people. But they were not enough.

Out of this great need for community-based, compassionate care was born the Ryan White Comprehensive AIDS Resources Emergency [CARE] Act of 1990, a bill I was pleased to author with my colleague from Massachusetts, Senator KENNEDY.

We named the bill after Ryan White, a courageous, intelligent and caring young man from Indiana, who worked tirelessly to educate others about HIV and AIDS. Ryan helped replace fear and indifference with hope and compassion. One of the great lessons of his life—that we should not discriminate against those with the HIV virus of other illness—remains true today. His tireless efforts, indeed his legacy, is being carried on by his mother, Jeanne White. And I met with her a number of times. And I have to say she is doing a good job.

There are so many others who have spoken out with the same spirit and eloquence, including Mary Fisher, founder of the Family AIDS Network, who is a tireless crusader against AIDS, and our much-missed friend Elizabeth Glaser, who established the Pediatric AIDS Foundation which has done so much to improve the lives of children infected with HIV.

I can remember when she first walked into my office. I did not know a lot about pediatric AIDS. I knew about adult AIDS. But I did not realize so many children were being infected at that time. When she walked in and explained it to me, I have to say we decided to help her. Our colleagues, Senator Metzenbaum and others, helped her raise her first million dollars for the Pediatric AIDS Foundation at a wonderful dinner here in Washington, DC and she went on from there to raise several more million dollars in the fight against AIDS, and, of course, she is one of the most valued heroines in this country, as far as I am concerned. There have been so many unnamed others in countless communities across the Nation.

Today, we have before us reauthorization of the Ryan White CARE Act.

My message is simple: it is an important act. It must be reauthorized.

The need continues.

Let me discuss a few dramatic facts in order to highlight the tremendous impact of this disease and explain why this bill should be passed.

The most revealing fact is that the No. 1 cause of death for males aged 29 to 44 is now AIDS.

In the last decade, the proportion of cases represented by women has almost tripled.

Even in my small home state of Utah, it is estimated by the Department of Health that there are 5,000 people infected with the HIV virus. To date, 1,110 have been diagnosed with full-blown AIDS, and 644 have died.

Indeed, our knowledge of AIDS has expanded dramatically since those early days.

We now know that AIDS is not a gay disease, or a Haitian disease.

We know that it cannot be transmitted by casual contact.

We know that it affects man, woman and child, whatever race, whatever nationality.

AIDS does not play favorites. It affects rich and poor, adults and children, men and women, rural communities and the inner city.

We know much, but the fear remains.

Madam President, things have changed since 1990. But the need for this legislation remains.

The number of cases continues to increase. At the end of 1994, the Centers for Disease Control and Prevention had recorded 441,528 cases of HIV. The number continues to grow.

The emotional and economic burden for HIV patients and their families is substantial, and it continues.

The Ryan White CARE Act has made a difference and should continue to make a difference.

There is so much that remains to be done.

Since its enactment in 1990, the Ryan White AIDS Care Act has provided the necessary assistance to those persons and their families affected by the AIDS epidemic. Often, the funding provides for models of HIV service delivery that are considered to be some of the most successful health care delivery models in history.

I am very proud of Utah's Ryan White program. Let me tell you of some of our accomplishments.

Ryan White funds were used to establish a home health services program which provides much needed homemaker, health aide, personal care, and routine diagnostic testing services.

A drug therapy program has been established that offers AZT and other drugs to individuals infected with HIV.

Ryan White funds have been used to provide health and support services through an HIV Care Consortium, which offers vital services such as dental, mental health counseling, transportation, benefits advocacy, eye exams and glasses, legal advocacy, information and education, nutrition counseling, and substance abuse counseling.

These are programs which are in place and which are working. They should be continued.

I believe it is vital that we reauthorize the Ryan White Act.

Madam President, many have noted that AIDS brings out the best and worst in people. Let us hope that this debate reflects the best of the great American traditions of reaching out to those in our community.

I plead with my colleagues today, and I will tomorrow, let us not backslide on this. I wish to compliment the distinguished chairman of the Labor and Human Resources Committee, and the ranking member, Senators KASSEBAUM and KENNEDY, for the work that they have done and for the courageous way that they have gone about it and for the work they have done on the floor here this day. I personally respect both of them very much, and I appreciate what they are doing in this bill.

Our progress has been great, but we have so much more to do to wipe out this virus. Let us hope and pray that one day, like smallpox, the HIV virus will be eradicated as a public health problem, and that is what we are talking about, public health, for everybody. Until then, Ryan White programs offer the only glimmer of hope to thousands of Americans who are living with HIV.

So I wish to thank my esteemed colleagues, especially our floor managers today, Senators KASSEBAUM and KENNEDY and others who have worked so hard to move this important piece of legislation forward. I will work with them in any way I can to see that this legislation is sent to the President as quickly as possible, and I again hope that we can do this probably tomorrow morning.

I thank the Chair.

Mrs. KASSEBAUM. Madam President, I wish to express appreciation to the Senator from Utah. Senator HATCH, as he mentioned, was the original cosponsor along with Senator KENNEDY of the Ryan White CARE Act in 1990. If it had not been for the leadership he provided, I am not sure we would be here today debating renewal of that legislation. It was crucial at that time to help develop an understanding of what it was all about, and I think without Senator HATCH's strong and forthright and dedicated concern at that time, it would have been extremely difficult to have the public awareness and support that it has. I just wish to express that appreciation to the Senator from Utah.

Mr. HATCH. If the Senator will yield, I certainly thank her for her kind remarks, but I feel equally disposed to congratulate her and to thank her for the work she is doing this year and has done in the past. She and Senator KENNEDY have done a very good thing here. So I thank her very much.

Mrs. KASSEBAUM. I would just say Senator HATCH, of course, we miss on the Labor Committee, where he was at one time chairman and ranking member, and I have big shoes to follow in that leadership on the Labor and Human Resources Committee.

Mr. BYRD. Mr. President, earlier today during the debate on S. 641, the Ryan White CARE Reauthorization Act, the distinguished senior Senator from North Carolina [Mr. HELMS] raised questions concerning where the appropriations for the Ryan White Program have been going. He indicated that he had been unable to receive any detailed information from the Clinton administration. He further stated his hope that the Appropriations Committee would be able to provide such information in connection with the fiscal year 1996 appropriations bill. I have asked the staff to look into this matter and get such information as is available as quickly as possible. For now, I have a CRS Report dated March 31, 1995, entitled ''Health Care Fact Sheet: Ryan White CARE Act Reauthorization.'' This report sets forth the programs which are authorized for funding under the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (P.L. 101–381). Under that act, this report states that:

> Grants are made to States, to certain metropolitan areas, and to other public or private nonprofit entities both for the direct delivery of treatment services and for the development, organization, coordination, and operation of more effective service delivery systems for individuals and families with HIV disease.

It further states that for fiscal year 1995, $633 million has been appropriated for these purposes.

Mr. President, I ask unanimous consent that the report be printed in the RECORD.

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

CRS REPORT FOR CONGRESS—HEALTH CARE FACT SHEET: RYAN WHITE CARE ACT REAUTHORIZATION

The Ryan White Comprehensive AIDS (acquired immune deficiency syndrome) Resources Emergency (CARE) Act of 1990 (P.L. 101–381) authorized a set of Federal grant programs to provide emergency assistance to localities disproportionately affected by the human immunodeficiency virus (HIV) epidemic. Grants are made to States, to certain metropolitan areas, and to other public or private nonprofit entities both for the direct delivery of treatment services and for the development, organization, coordination, and operation of more effective service delivery systems for individuals and families with HIV disease. Total FY 1995 appropriations were $633 million. CARE Act programs are currently authorized through FY 1995. On Mar. 29, 1995, this Senate Committee on Labor and Human Resources ordered reported S. 641, the Ryan White CARE Reauthorization Act of 1995. The bill would modify the CARE Act programs and extend authorizations through FY 2000.

CURRENT RYAN WHITE CARE ACT PROGRAMS

Title I of the Act provides emergency formula and supplemental grants to disproportionately affected, eligible metropolitan areas (EMAs). Eligible areas with more than 2,000 cases of AIDS, or where the cumulative per capita incidence exceeds one quarter of 1% may apply for title I funds. Half of each year's appropriation is distributed to EMAs under a formula based on cumulative caseload and incidence; the remainder is used for supplemental grants awarded on the basis of applications by EMAs. Forty-two EMAs received funds for FY 1995, up from 16 in FY 1991. Title I funds are directed to the chief elected official administering the public health agency providing outpatient and ambulatory services to the greatest number of persons with AIDS in the designated area. The official must establish an HIV Health Services Planning Council which further sets priorities for care delivery in accord with Federal guidelines.

Title II provides formula grants to States and Territories for comprehensive care services including home and community-based care, continuity of health insurance coverage, payment for pharmaceuticals and other treatments to prevent deterioration of health, and other services. Grants are allocated on the basis of recent AIDS caseload and State per capita income. States reporting 1% or more of the national AIDS caseload are required to match Federal funds ($1 State for every $2 Federal in FY 1995) and must use 50% or more of their grant toward establishing an HIV health and support services consortium. The Secretary withholds 10% of Title II appropriations to support special projects of national significance (SPNS), a grant program that promotes advancements in the delivery of health care and support services to the HIV population.

Title III(b) provides early intervention categorical grants to public and private nonprofit entities already providing primary care services to populations at risk of HIV. Services allowed under title III(b) include counseling and testing, case management, outreach, medical evaluation, transmission prevention, and risk reduction strategies. (Title III(a), authorizing early intervention grants to States, has never been funded.)

Title IV authorizes a number of different HIV-related programs, of which only one, pediatric demonstration grants, had been funded. These grants foster collaboration and coordination between clinical research and health care providers and target HIV infected children, pregnant women, and their families.

Appropriations for FY 1995 total $633 million as follows: $357 million for title I, $198 million for title II, $52 million for title III, and $26 million for title IV. (On March 2, the full House Committee on Appropriations rejected a subcommittee reported rescission of $13 million in FY 1995 funds.)

S. 641, THE RYAN WHITE CARE REAUTHORIZATION ACT OF 1995

As reported, S. 641 authorizes appropriations of such sums as may be necessary for all titles for FY 1996 through FY2000. It makes numerous changes in CARE Act programs, including expansion of permissible services, stronger planning and coordination requirements, and a greater emphasis on services to minorities and to women and children. There are also important funding changes, as follows:

A single appropriation would be authorized for titles I and II. For FY1996, 64% of funds would go to title I; a method for distribution for later years would be developed by the Secretary.

Allocation formulas for titles I and II would be based on estimated persons living with AIDS (rather than cumulative cases) and would include a new factor reflecting area variation in the costs of services. These changes would redirect funds to the areas where the epidemic is growing most rapidly; temporary hold-harmless provisions would prevent sharp funding reductions for existing grantees. New EMAs would have to have populations of at least 500,000, and would be eligible on the basis of caseload alone (rather than caseload or incidence).

The special projects of national significance program would be funded through a 3% withhold from each title, rather than 10% from title II alone.

AIDS FUNDING HISTORY—SEPTEMBER 27, 1994

	Fiscal year 1986	Fiscal year 1987	Fiscal year 1988	Fiscal year 1989	Fiscal year 1990	Fiscal year 1991	Fiscal year 1992	Fiscal year 1993	Fiscal year 1994	Fiscal year 1995 req	House	Senate	Conference
HRSA													
Education and Training Centers	.....	$1,550	$11,106	$14,640	$14,549	$17,029	$16,984	$16,435	$16,435	$16,157	$16,287	$16,287	$16,287
Pediatric AIDS	.....	.....	4,787	7,806	14,803	19,518	19,747	20,897	.....	.....	.....	.....	.....
Facilities and Renovation	.....	.....	6,702	3,903	4,342	4,029	.....	.....	.....	.....	.....	.....	.....
Other	$15,311	10,350	14,361	29,692	74,023	.....	.....	.....	.....	.....	.....	.....	.....
Ryan White													
Emergencuy Assistance (Title I)	.....	.....	.....	.....	.....	87,831	121,663	184,757	325,500	364,500	352,500	356,500	356,500
Comprehensive care (Title II)	.....	.....	.....	.....	.....	87,831	107,704	115,288	183,897	213,897	195,897	198,897	198,147
Early Intervention (Title III)	.....	.....	.....	.....	.....	44,891	49,862	47,968	47,968	66,968	51,568	52,568	52,318
Pediatric Programs (Title IV)	.....	.....	.....	.....	.....	.....	.....	.....	22,000	27,000	26,000	26,000	26,000
Subtotal—Ryan White	.....	.....	.....	.....	.....	220,553	279,229	348,013	579,365	672,365	625,965	633,965	632,965
AIDS Dental Services	.....	.....	.....	.....	.....	.....	.....	.....	7,000	6,884	6,937	6,937	6,937
Subtotal—AIDS	15,311	11,900	36,956	26,349	33,694	261,129	315,960	385,345	602,800	695,406	649,189	657,189	656,189
CDC	62,155	136,077	304,942	377,592	442,826	496,960	480,132	498,253	543,253	532,693	606,000	558,253	590,243
Total NIH	146,656	293,977	500,399	742,428	904,455	1,004,825	1,047,294	1,072,453	1,297,115	1,379,052	1,337,606	1,337,606	1,337,606
SAMHSA													
Cntr Ment Hlth Serv	.....	.....	.....	.....	.....	.....	.....	2,987	6,943	5,343	6,881	5,394	6,943
Cntr Subs Abuse	.....	.....	.....	.....	.....	.....	.....	21,156	21,156	2,726	10,526	20,526	18,026
Subtotal—AIDS	.....	.....	.....	.....	.....	.....	.....	24,143	28,099	8,069	17,407	25,920	24,969
Agency for Health Care Policy and Research	.....	.....	1,000	6,831	8,474	10,252	10,135	9,624	10,624	11,917	10,557	10,624	10,591
Office of the Secretary													
Health Initiatives	.....	.....	.....	3,416	4,010	2,149	2,075	2,073	.....	.....	.....	.....	.....
National AIDS Program Office	.....	363	3,308	3,023	3,666	3,789	2,452	2,936	2,869	2,848	2,899	0	1,750
AIDS Contingency Fund	.....	30,000	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total	224,122	472,317	846,505	1,159,639	1,397,125	1,779,104	1,858,048	1,994,827	2,484,760	2,629,985	2,623,658	2,589,592	2,621,348

Mr. KOHL. Mr. President, I rise as a cosponsor and enthusiastic supporter of S. 641, the Ryan White CARE Act reauthorization.

The AIDS epidemic is a continuing crisis in our Nation that shows no sign of abating. Once a problem for only a few big urban areas, the crisis has increasingly impacted people in smaller cities and rural areas. More and more Americans are seeing friends and relatives stricken with HIV disease and are struggling to find adequate services for their loved ones.

Mr. President, over 2,700 Wisconsinites have been diagnosed with HIV infection and AIDS since 1985. As of March 1995, the Centers for Disease Control and Prevention has reported 481,234 cases of AIDS nationwide. The Ryan White CARE Act has been critical for communities responding to the AIDS crisis by helping to establish coordinated health care systems. Over 300,000 people afflicted with the disease receive life-prolonging treatment through the act.

This bill continues programs that help hard-hit municipal areas, support coordinated State efforts to combat AIDS, and provide primary care to special populations, including pregnant women and children. The Ryan White CARE Act represents the most effective type of government initiative; it targets State and Federal Government resources to fund comprehensive plans under the guidance of community leaders, medical professionals, affected populations, and officials at municipal, State, and Federal levels.

Since the enactment of the Ryan White CARE Act, Wisconsin has utilized its limited allocations to reach underserved areas of the State while concentrating resources on hard-hit communities. Care is available to citizens in every part of the State, not just a few cities. All funding in Wisconsin is provided through a consortium of community-based groups. This community oriented approach has allowed delivery of services to AIDS patients in their home, avoiding costly long-term hospitalization until absolutely necessary. The result is compassionate care for the afflicted and considerably less Medicaid spending, which saves State and Federal resources.

The Ryan White CARE Act has proven invaluable in meeting the AIDS crisis, but like most government programs, has room for improvement. I am pleased to say that this bill does not simply continue the status quo of the original legislation. There are substantial changes that better target Federal resources while meeting the current threat of HIV and AIDS. These consensus changes were carefully worked out with input from those who fight the AIDS tragedy every day.

The bill resolves longstanding formula inequities that pitted groups against one another. The new formula responds to the evolving dynamics of the epidemic. Using General Accounting Office recommendations, funding would now be distributed based on those currently living with AIDS and the changing cost of care.

States where AIDS is widespread, but without cities designated as ''eligible metropolitan areas,'' have not qualified for title I funding. Such States, like Wisconsin, have relied on limited allocations of title II funding in order to reach the afflicted in both urban and rural areas. The revised bill changes title I and title II funding by including an estimation of the number of individuals currently living with AIDS and the costs of providing services. The new title II formula is adjusted so that cases are not double counted, which unfairly advantages some States that also have title I cities. Provisions are also included to prevent service disruptions due to the formula changes.

We must improve our response to AIDS given the alarming growth of the epidemic. Few would question that AIDS is one of the leading public health threats facing our Nation and the world. As such, a unified response must be maintained. This bill contains positive changes to equitably distribute funding and allows communities to continue working together to provide the most effective treatment for AIDS victims.

Mr. President, let us not get bogged down in extraneous issues that cloud the purpose of this legislation. The nature of this crisis demands targeted, compassionate treatment for those afflicted with a devastating disease. Women, children, and men of all ages and backgrounds are victims of HIV. Families and whole communities have been devastated by AIDS. They deserve our continued commitment.

The Ryan White CARE Act received strong bipartisan support when originally enacted. With 63 current cosponsors of S. 641, the Senate's resolve to advance this important measure is clear and should remain undeterred.

I urge my colleagues to support the Ryan White CARE Act and provide quick passage.

Mr. SMITH. Mr. President, I am going to vote against S. 641, the so-called Ryan White CARE Act.

This is not going to be a popular vote, and I am sure that many will say that I am being unfair to AIDS victims and their families. But, I believe that this it is this bill that is unfair.

Unfair to persons suffering from other diseases, and their families. Unfair to small States, like New Hampshire. Unfair to the taxpayers.

First of all, let me make it clear that I take a back seat to no Senator in my concern for those inflicted with HIV and AIDS. I have always supported Federal AIDS research. But, we are already funding AIDS research.

In fact, AIDS research is by far the most heavily funded area at the National Institutes of Health.

Earlier this year, I was sent a table from the American Heart Association regarding the distribution of research dollars at the Department of Health and Human Services. The table tracks HHS research funding dollars spent per death in fiscal year 1993.

It tracks five diseases—HIV–AIDS, diabetes, cancer, heart disease, and stroke. We are spending $36,763 per HIV–AIDS death, $5,421 per diabetes death, $3,708 per cancer death, $1,032 per heart death, and $731 per stroke death.

Clearly, relative to other diseases, the Federal Government has demonstrated a firm commitment to funding AIDS research. In fact, the American Heart Association materials go on to say that HHS—

> spends 36 times more research funding per death of an AIDS victim than was spent per death of a victim of heart disease. Similarly, with regard to dollars spent per death, AIDS funding exceeded stroke funding by 50 to 1.

It seems that, in an effort to demonstrate our commitment to AIDS, we have seriously shortchanged many other devastating illnesses.

As you can see, AIDS research is already being funded. The Congressional Budget Office estimates that this bill will cost $3.7 billion over the next 6 years. So, where is this $3.7 billion going to go? If it is not research, what exactly is the Ryan White CARE Act?

One of the architects of the Ryan White Program, the senior Senator from Massachusetts, summarized in his opening statement how Ryan White funds have assisted the city of Boston:

> 15,000 individuals are receiving primary care, 8,000 are receiving dental care, and 9,000 are receiving mental health services. An additional 700 are receiving case management services and nutrition supplements.

I am very pleased to hear that so many people are being assisted in this way, particularly in Boston—right across the border.

But, Mr. President, what makes someone with AIDS more entitled to federally funded mental health or dental services than someone with cancer or diabetes or Alzheimer's?

No other disease has its own program like this.

I am not saying that we should pit one disease against another, and say that they ought to all receive the same amount of funds.

What I am saying is that we are already spending huge amounts of money on AIDS, without this bill.

Would I like to see AIDS victims receive these services? Of course I would. I would like for everyone to receive these services.

But, we need to face the budgetary realities. Our national debt recently climbed over the $4.9 trillion mark. It is rapidly reaching $5 trillion. We can't just keep plowing full speed ahead with these sorts of spending programs without contemplating how we are going to pay for them.

But, Mr. President, what concerns this Senator in particular is how my State of New Hampshire gets shortchanged in the funding formula in S. 641.

The Senate Labor Committee provided me with a State-by-State breakdown of 1996 funds under this bill. According to the Labor Committee, when you combine titles I and II, my State of New Hampshire gets about $1,125,000.

It is difficult to look at this number and determine whether this is higher or lower than what we should be getting. So, my staff calculated, using Census Bureau population statistics, how much each State gets back for every dollar it contributed for this bill. This new breakdown clearly shows where most of the money is going.

New Hampshire gets only 20 cents on the dollar.

That is, for every dollar we put in, we only got 20 cents back, while the State of New York gets $3.18 for every dollar they put in.

Washington, DC, gets $7.26 for every dollar.

I ask unanimous consent that this State-by-State breakdown be included in the RECORD at this point.

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

FISCAL YEAR 1996 FUNDING BREAKDOWN FOR S. 641, THE RYAN WHITE CARE ACT

[By total funds and cents on the dollar]

State	S. 641 Funds (in thousands) [1]	Population (in thousands) [2]	Cents on the dollar [3]
Alabama	$1,350	4,1872	$.24
Alaska	100	599	.12
Arizona	2,794	3,936	.52
Arkansas	753	2,424	.23
California	69,290	31,211	1.64
Colorado	3,581	3,566	.74
Connecticut	4,618	3,277	1.04
Delaware	586	700	.62
D.C.	5,578	578	7.26
Florida	35,585	13,679	1.92
Georgia	8,626	6,917	.92
Hawaii	499	1,172	.32
Idaho	138	1,099	.09
Illinois	10,415	11,697	.66
Indiana	1,537	5,713	.20
Iowa	333	2,814	.09
Kansas	812	2,531	.24
Kentucky	644	3,789	.13
Louisiana	4,530	4,295	.78
Maine	228	1,239	.14
Maryland	8,577	4,965	1.27
Massachusetts	6,956	6,012	.85
Michigan	4,310	9,478	.34
Minnesota	1,725	4,517	.28
Mississippi	954	2,643	.27
Missouri	4,310	5,234	.61
Montana	100	839	.09
Nebraska	267	1,607	.12
Nevada	964	1,389	.51
New Hampshire	302	1,125	.20
New Jersey	19,678	7,879	1.85
New Mexico	479	1,616	.22
New York	78,531	18,197	3.18
North Carolina	2,415	6,945	.26
North Dakota	100	635	.11
Ohio	3,291	11,091	.22
Oklahoma	1,051	3,231	.24
Oregon	2,241	3,032	.54
Pennsylvania	8,501	12,048	.52
Rhode Island	555	1,000	.41
South Carolina	2,680	3,643	.54
South Dakota	100	715	.10
Tennessee	1,847	5,099	.27
Texas	24,096	18,031	.99
Utah	428	1,860	.17
Vermont	104	576	.14
Virginia	3,668	6,491	.42
Washington	4,151	5,255	.58
West Virginia	211	1,820	.09
Wisconsin	1,068	5,038	.16
Wyoming	100	470	.16
Puerto Rico	13,690	.....	.....
Totals	349,451	257,908	1.00

[1] Source: Senate Labor and Human Resources Committee.

[2] Source: 1993 figures, U.S. Census Bureau.

[3] Figure obtained using the following formula: S/(P/U*T). S= FY96 funding (titles I & II) by state; P= state population; U= Total U.S. Population; T= total funding under S. 641 (titles I & II).

Mr. SMITH. Mr. President, as I look at this table, it seems to me that my State would be better off funding its AIDS programs on its own.

If we collected $10 in State taxes, we would have $10 to spend on AIDS services.

But, under this formula, we give the Federal Government $10, and Uncle Sam writes us a check for $2, and then tells us how to spend it.

I would urge my colleagues to take a look at this breakdown, and consider how their own State does, before supporting this bill.

Mr. President, I have to congratulate the proponents of this legislation. They have done a superb job at packaging it up with a glitzy title, lots of cosponsors, and a masterful press campaign.

Everyone knows the story of Ryan White, the courageous 13-year-old boy who fell prey to this devastating disease.

It is a very effective technique. You name your bill after a person with a heroic story who is deeply admired by millions of Americans, like Ryan White, and people are afraid to vote against it.

This makes for good politics, but, too often, bad policy.

Frankly, Mr. President, if Ryan White were alive today, because he was from Kokomo, IN, and not a big city, he would not qualify for assistance under the emergency relief program—which accounts for $368 million—nearly half of next year's funds.

The only funds that he might qualify for would be under the ''CARE grant program'' (title II) which are distributed by a formula using the numbers of AIDS cases, rather than the size of the cities. But, according to CBO, the formula in this bill only allocates $205 million for this section—just over half the amount allocated for the big cities.

So, the big cities get $368 million, the rest of the country—including those same big cities—get to divide up the $205 million that is left over.

If we are trying to help all AIDS victims, like Ryan White, why are most of the funds being funneled into large cities?

Some would argue that they get more funds because they have more AIDS cases. That is not why they do better under this bill.

That might be the reason that States with big cities get more money under title II, the $205 million CARE program. But the bulk of funds in this bill go to title I—$368 million.

That section says that big cities, cities with more than 500,000 residents, get all of the money, as long as they have more than 2,000 cases of AIDS.

If you have 499,000 residents, and a huge AIDS population, forget it. You get nothing. This has nothing to do with AIDS cases, or fairness, or need—only size.

Suffice it to say that my State does not have any cities that are that big.

Manchester has about 100,000 people.

Nashua has about 80,000.

Concord has about 36,000.

So, this bill says ''tough luck for the State of New Hampshire, and many other States.''

That is not to say that New Hampshire does no have an AIDS problem. We have the same problem that every other State has.

I would urge my colleagues to take a look at the state-by-state breakdown that I put in the RECORD earlier and see how your own State does.

But, we could have the highest incidence of AIDS in the Nation, and that would not matter. Under title I, it is cut and dry. Unless you have 500,000 residents, you don't get a nickel.

In conclusion, Mr. President, it would be very easy for me to look the other way and vote for this bill. I would probably save myself a lot of grief and controversy.

UNANIMOUS-CONSENT AGREEMENT

Mrs. KASSEBAUM. Madam President, I think we have now reached an agreement.

I ask unanimous consent that the following amendments be the only amendments in order to S. 641, and that no second-degree amendments be in order to the amendments: the pending amendment is No. 1854. Then following, Helms amendment 1855; Helms amendment 1857, regarding funding equity; Helms amendment 1856, regarding training; Kassebaum amendment 1860, regarding funding equity; a Kassebaum amendment regarding promotion, 1858; a Gregg amendment regarding FDA, and a Kennedy amendment regarding FDA.

Further, that all debate time be used on the above-listed amendments this evening with the exception of the amendment to be offered by Senator GREGG, and the amendment to be offered by Senator KENNEDY.

Further, that at the hour of 9:15 a.m. on Thursday, Senator REID be recognized for up to 15 minutes for general debate on the bill, to be followed at 9:30 by Senator GREGG, to be recognized to offer his amendment on which there would be 1 hour to be equally divided in the usual form.

I further ask that following the conclusion of the debate on the Gregg amendment, Senator KENNEDY be recognized to offer his amendment regarding FDA, on which there would be 30 minutes to be equally divided in the usual form, and that following that debate the Senate proceed to vote first on the Helms amendment 1854, followed in sequence with two back-to-back votes on other amendments in the order in which they were offered, and that there be 10 minutes for explanation between each of the remaining votes, to be equally divided in the usual form, and that following the disposition of the above-listed amendments, the Senate proceed to third reading and final passage, all without any intervening action or debate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mrs. KASSEBAUM. Further, Madam President, I ask unanimous consent that any votes occurring after 12:30 p.m. as a result of this agreement be postponed to occur at a time to be determined by the two leaders.

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

Mrs. KASSEBAUM. I thank the Chair.

Madam President, there are no further votes for this evening.

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. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

MORNING BUSINESS

Mrs. KASSEBAUM. I also 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 FRANCIS M. HIPP

Mr. THURMOND. Mr. President, over the past 40 years, South Carolina has enjoyed tremendous economic growth, and has emerged as one of the Nation's leading centers for commerce and industry. Many people have had a role in this success, and I rise today to pay tribute to one person who made many contributions to our State's prosperity, Mr. Francis Moffett Hipp, who passed away earlier this week at the age of 84.

Mr. Hipp was recognized throughout South Carolina as both a community and a business leader. His father founded the Liberty Life Insurance Co., which Francis eventually took over and ran as its chairman. Under his direction, the company grew and diversified, even acquiring a chain of television stations, including one in Columbia, SC. The Liberty Corp., as it is now known, is one of our State's largest insurance companies, employing literally thousands of people and contributing an inestimable benefit to South Carolina and its economy.

Because of his stature as a businessman, and his concern for the future of our State, Mr. Hipp also served as the chairman of both the South Carolina Development Board and the South Carolina Research Authority. Both these organizations have played important roles in expanding the Palmetto State business community, and during his tenure at those agencies, Mr. Hipp's dedication and vision helped greatly to develop industry in our State. Thanks to the concerted efforts of Francis Hipp, and those who worked with him, our State stands both financially stronger and better positioned to compete in the 21st century global marketplace.

Mr. President, Francis Hipp led a full and productive life, and through his work, he left a tremendous mark on South Carolina. He was a gifted businessman, a committed citizen of our State, and a dedicated and loyal family man. I was proud to count this man among my friends and regret that the Senate schedule prevented me from attending his memorial service today. My sympathies and condolences go out to all who knew Francis Moffett Hipp, especially his sons; Hayne and John; and daughter, Mary Jane Hipp Brock. We will all miss this man of integrity, ability, and vision.

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, Tuesday, July 25, stood at $4,940,346,340,499.40 or $18,753.63 for every man, woman and child in America on a per capita basis.

IRISH-AMERICANS IN MISSISSIPPI TO HONOR CHOCTAW NATION

Mr. KENNEDY. Mr. President, this year marks the 150th anniversary of the beginning of the Great Famine in Ireland. While large numbers of men, women, and children were dying of starvation in Ireland in those tragic years, a group of Native Americans in this country tried to help.

The Choctaw Nation of North America raised $170 in 1847—the equivalent of about $3,000 today—for the victims of the Irish famine. Their contribution may have been small in terms of its

ability to affect the massive human tragedy taking place in Ireland, but it was a generous symbol of the compassion of the Choctaw Nation for those in desperate need. Sixteen years before the famine began, the Choctaws themselves were the victims of a forced displacement following passage of the Indian Removal Act of 1830, which compelled most Native Americans to move west of the Mississippi River. Many died on the journey known as the Trail of Tears. Yet despite their own tragic circumstances, the Choctaw reached out to the Irish people, whom they saw as more in pain and in need than themselves.

Earlier this year, President Mary Robinson of Ireland visited the tribal headquarters of the Choctaw Nation in Durant, OK, to thank the Choctaws personally for their ancestors' extraordinary generosity to the Irish people. President Robinson often evokes the story of the Choctaw Nation when talking about the Famine and about how the echoes of Ireland's tragic past continue to reverberate in Ireland today, giving the Irish a special affinity for those around the world who face hunger and oppression.

Everyone familiar with global humanitarian efforts knows that Irish aid workers are often the first to arrive to help at places of devastation around the world. President Robinson herself was one of the first to visit Somalia, and to call the world's attention to the starvation there.

His Eminence Bernard Cardinal Law, the Archbishop of Boston, recently informed me that Irish-Americans in Mississippi will honor the Choctaw Nation on September 9 and 10 with a picnic at the Jim Buck Ross Agricultural Museum in Jackson, MS. The sponsors are hopeful that Irish-Americans in other parts of the country will enhance the success of this tribute. Anyone interested in learning more about this auspicious occasion should contact Mr. Sean McGuinness at the Celtic-American Heritage Society, Post Office Box 5166, Jackson, MS 39296–5166.

I commend the Hibernian Society for this well-deserved honor for the Choctaw Nation.

ANNOUNCEMENT OF POSITION ON VOTE

Mr. HOLLINGS. Mr. President, earlier today the Senate held three rollcall votes relating to United States policy in Bosnia. Regrettably, I was necessarily absent during these votes due to my attendance at a funeral in South Carolina. Had I been present at the time, I would have voted for the Cohen amendment, for the Nunn-Graham amendment, and for final passage of the Dole-Lieberman bill (S. 21). I thank my colleagues for the opportunity to state my position and I thank the Chair.

TRIBUTE TO MARLA GARBER

Mr. CAMPBELL. Mr. President, I rise today to share with you the story of Marla Garber, a free spirit who rode the length and breadth of the United States on her motorcycle accompanied only by her dog Skooter.

She was a remarkable young woman; one of those ''rugged individualists,'' constantly seeking adventure in her life and traveling into the depths of the country in her pursuit of it. She shared the stories of the fascinating people she met on her journey's and the memories of the places she had seen with much of the American public, writing for several motorcycle magazines. In this way, she was able to leave her mark on society and the people of the country.

Marla Garber was a woman of vision and strength, a pioneer in her time. A friend of hers described her as one of those who ''followed their callings to and beyond the ends of the known world and came back overflowing with stories of strange places * * * and wondrous things they'd seen.'' Marla Garber was unique for this day and age, and I admire her spirit.

We all suffer from her loss, as surely as we all benefitted from having her among us.

MESSAGES FROM THE HOUSE

At 4 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 70. An act to permit exports of certain domestically produced crude oil, and for other purposes.

H.R. 1943. An act of amend the Federal Water Pollution Control Act to deem certain municipal wastewater treatment facilities discharging into ocean waters as the equivalent of secondary treatment facilities.

H.R. 2002. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

The message also announced that the House insists upon its amendments to the bill (S. 395) to authorize and direct the Secretary of Energy to sell the Alaska Power Marketing Administration, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

For consideration of House amendment numbered 1: Mr. YOUNG of Alaska, Mr. CALVERT, Mr. BLILEY, Mr. MILLER of California, and Mr. DINGELL.

For consideration of House amendment numbered 2: Mr. YOUNG of Alaska, Mr. CALVERT, Mr. THOMAS of California, Mr. ROTH, Mr. BLILEY, Mr. COBLE, Mr. MILLER of California, Mr. HAMILTON, Mr. DINGELL, and Mr. MINETA.

For consideration of House amendment numbered 3: Mr. SPENCE, Mr. KASICH, and Mr. DELLUMS.

For consideration of House amendment numbered 4: Mr. COBLE, Mrs. FOWLER, and Mr. MINETA.

For consideration of House amendment numbered 5: Mr. YOUNG of Alaska, Mr. CALVERT, and Mr. MILLER of California.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1943. An act to amend the Federal Water Pollution Control Act to deem certain municipal wastewater treatment facilities discharging into ocean waters as the equivalent of secondary treatment facilities; to the Committee on Environment and Public Works.

H.R. 2002. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 70. An act to permit exports of certain domestically produced crude oil, and for other purposes.

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 Mrs. HUTCHISON (for herself, Mr. BROWN, Mr. FRIST, Mr. INHOFE, and Mr. MACK):

S. 1073. A bill to establish a national advisory referendum on limiting the terms of Members of Congress at the general election of 1996; to the Committee on Rules and Administration.

By Ms. MOSELEY-BRAUN (for herself, Mr. SIMON, and Mr. INOUYE):

S. 1074. A bill to amend the Public Health Service Act to provide for expanding and intensifying activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases with respect to lupus; to the Committee on Labor and Human Resources.

By Mr. HARKIN (for himself and Mr. KENNEDY):

S. 1075. A bill to reauthorize and improve the Individuals with Disabilities Education Act; to the Committee on Labor and Human Resources.

By Mrs. BOXER:

S. 1076. A bill to designate the Western Program Service Center of the Social Security Administration located at 1221 Nevin Avenue, Richmond, California, as the ''Francis J. Hagel Building'', and for other purposes; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. AKAKA, Mr. BINGAMAN, Mr. INOUYE, Mr. KYL, and Mr. REID):

S. 1077. A bill to authorize research, development, and demonstration of hydrogen as an energy carrier, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. THURMOND:

S. Res. 156. A resolution recognizing the contributions of the United States Army Air Forces to the United States victory in World War II; to the Committee on Armed Services.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON (for herself, Mr. BROWN, Mr. FRIST, Mr. INHOFE, and Mr. MACK):

S. 1073. A bill to establish a national advisory referendum on limiting the terms of Members of Congress at the general election of 1996; to the Committee on Rules and Administration.

THE NATIONAL VOTER OPPORTUNITY TO INFORM CONGRESS EFFECTIVELY (VOICE) ON TERM LIMITS ACT OF 1995

● Mrs. HUTCHISON. Mr. President, I offer a bill similar to one I introduced in the last Congress. My bill, the National Voter Opportunity To Inform Congress Effectively on Term Limits—or VOICE—Act, would authorize a national advisory referendum on term limits for Members of Congress. It is a companion bill to legislation being introduced today in the House by Congressman PETE HOEKSTRA of Michigan.

In recent years, the American people have come to realize that the seniority system, coupled with the overwhelming electoral advantages of incumbency, has created a class of career politicians—a class not envisioned by our Founding Fathers.

Our Founding Fathers envisioned the Congress as a body of citizen-legislators. People who had trades, professions, or businesses would serve for a period of time, bringing with them experience and fresh ideas to shape the laws that would govern commerce and quality of life.

There has been a vigorous grassroots effort mounting in this country to return us to this vision. Especially over the past few years, the movement to limit congressional terms has gained significant ground. Despite the Congress' reluctance to impose term limits on itself, the people have chosen to press forward without us by passing ballot initiatives to limit the terms of their own Federal representatives. In 23 States—nearly half the country—the people have spoken overwhelmingly and unequivocally that they want the terms of their Congressmen and Senators to be limited.

Last May, the term limits movement suffered a major blow with the Supreme Court's ruling in U.S. Term Limits, Inc. versus Thornton. In a 5-to-4 decision, the Court said the State-imposed term limits violate the Constitution and that any effort to limit congressional terms must be done through a constitutional amendment. This ruling effectively overturned all 23 States term-limits laws that had been passed up to now.

The House's failure to pass an amendment last March proves that there is virtually no chance for term limits in this Congress. Even in this Chamber, a recent rollcall survey found that we are still 24 votes shy of having enough support to approve a term-limits amendment. Congress is truly out of touch with America on this issue.

That is why, Mr. President, I feel it is so important that we give every American, in all 50 States, an opportunity to speak directly to their Federal representatives on the term-limits matter. My bill would do just that by conducting a nonbinding, national referendum. It would place a simple and straightforward question on every ballot in the 1996 election, ''Should Congress approve a constitutional amendment to limit the number of terms that a Member of the United States House of Representatives and United States Senate can serve in office? Yes or No.''

Let me hasten to add that this legislation would not create an unfunded Federal mandate. This bill provides that States would be reimbursed at a rate of 4 cents per voter for the cost of putting the question on the ballot. This Federal reimbursement would be offset by corresponding reduction in the franking budget for Members of the House and Senate.

Mr. President, I want to urge my colleagues to join me in giving the American people a voice in the next election on whether the terms of their representatives in the U.S. Congress should be limited. Rather than debating about what we think the American people want and need, let's give them the opportunity to tell us themselves, clearly and directly. It is time we invoke the communicative power of democracy and ask the people what they think.●

By Ms. MOSELEY-BRAUN (for herself, Mr. SIMON, and Mr. INOUYE):

S. 1074. A bill to amend the Public Health Service Act to provide for expanding and intensifying activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases with respect to lupus; to the Committee on Labor and Human Resources.

THE LUPUS RESEARCH AMENDMENTS OF 1995

● Ms. MOSELEY-BRAUN. Mr. President, today, I am introducing with Senators SIMON and INOUYE the Lupus Research Amendments of 1995. This bill would provide the funding so desperately needed by NIH to increase current education, prevention, and treatment efforts.

Systemic lupus erythematosus [lupus] is a painful, potentially devastating chronic autoimmune disease that occurs mostly in young women of childbearing age. Lupus causes the body's defense system to malfunction and attack its own healthy organs. Every element of the victim's musculoskeletal system is susceptible, ranging from the skin and joints to the blood, heart, lungs, and kidneys.

Health officials estimate that between 1.4 million and 2 million Americans, 90 percent of whom are female, are afflicted with lupus. Both the cause and a cure for lupus are currently unknown. Treatments can be effective but can lead to adverse side effects which cause severe and sometimes incapacitating pain, making it impossible for victims to maintain jobs and live normal lives. Increased and intensive research, thus, offers the best hope for prevention and better treatment of lupus and its related disabilities.

The Lupus Research Amendments of 1995 would expend clinical research for the discovery and evaluation of new treatments; encourage the coordination of improved screening techniques; and improve information and education programs for health care professionals and the public. In addition, researching the cause of lupus may reveal other abnormalities of the immune system, and this knowledge could help experts better understand related illnesses. It is to this end that I reintroduce this legislation, which authorizes funding of $20 million for fiscal year 1996 and such sums as may be necessary for both fiscal years 1997 and 1998.

This legislation can make a real difference to the millions of Americans, particularly women, who are afflicted with lupus. I urge my colleagues to join me in supporting this important legislation.

Mr. President, I ask unanimous consent that a copy of the bill be included in the RECORD.

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

S. 1074

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 ''Lupus Research Amendment of 1995''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) lupus is a serious, complex, inflammatory, autoimmune disease of particular concern to women;

(2) lupus affects women 9 times more than men;

(3) there are 3 main types of lupus; systemic lupus, a serious form of the disease that affect many parts of the body; discoid lupus, a form of the disease that affects mainly the skin; and drug-induced lupus caused by certain medications;

(4) lupus can be fatal if not detected and treated early;

(5) the disease can simultaneously affect various areas of the body, such as the skin, joints, kidneys, and brain, and can be difficult to diagnose because the symptoms of lupus are similar to those of many other diseases;

(6) lupus disproportionately affects African-American women, as the prevalence of the disease among such women is 3 times the prevalence among white women, and an estimated 1 in 250 African-American women between the ages of 15 and 65 develops the disease;

(7) it has been estimated that over 500,000 Americans have been diagnosed with the disease, and that many more have undiagnosed cases;

(8) current treatment of the disease can be effective, but may lead to damaging side effects; and

(9) many victims of the disease suffer debilitating pain and fatigue, making it difficult to maintain employment and lead normal lives.

SEC. 3. EXPANSION AND INTENSIFICATION OF ACTIVITIES REGARDING LUPUS.

Subpart 4 of part C of title IV of the Public Health Service Act (42 U.S.C. 285d et seq.) is amended by inserting after section 441 the following new section:

''LUPUS

''SEC. 441A. (a) IN GENERAL.—The Director of the Institute shall expand and intensify research and related activities of the Institute with respect to lupus.

''(b) COORDINATION WITH OTHER INSTITUTES.—The Director of the Institute shall coordinate the activities of the Director under subsection (a) with similar activities conducted by the other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to lupus.

''(c) PROGRAMS FOR LUPUS.—In carrying out subsection (a), the Director of the Institute shall conduct or support research to expand the understanding of the causes of, and to find a cure for, lupus. Activities under such subsection shall include conducting and supporting the following:

''(1) Research to determine the reasons underlying the elevated prevalence of lupus in women, including African-American women.

''(2) Basic research concerning the etiology and causes of the disease.

''(3) Epidemiological studies to address the frequency and natural history of the disease and the differences among the sexes and among racial and ethnic groups with respect to the disease.

''(4) The development of improved screening techniques.

''(5) Clinical research for the development and evaluation of new treatments, including new biological agents.

''(6) Information and education programs for health care professionals and the public.

''(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $20,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 and 1997. The authorization of appropriations established in the preceding sentence is in addition to any other authorization of appropriations that is available for such purpose.''.●

By Mr. HARKIN (for himself and Mr. KENNEDY):

S. 1075. A bill to reauthorize and improve the Individuals With Disabilities Education Act; to the Committee on Labor and Human Resources.

THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT AMENDMENTS OF 1995

Mr. HARKIN. Mr. President, 20 years ago this November, Congress enacted Public Law 94–142, the Education for All Handicapped Children Act, now known as part B of the Individuals With Disabilities Education Act [IDEA]. The purpose of this law is simple—to assist States and local communities meet their obligation to provide equal educational opportunity to children with disabilities in accordance with the equal protection clause of the 14th amendment of the U.S. Constitution.

I believe that IDEA is an excellent law. Prior to the enactment of Public Law 94–142, 1 million children with disabilities were excluded entirely from receiving a public education and more than half of the children with disabilities in the United States did not receive appropriate educational services that would enable them to enjoy full equality of opportunity.

Because of IDEA, millions of children with disabilities are now receiving a free and appropriate public education. Educational outcomes for children with disabilities have improved dramatically over this 20-year period.

For many parents who have disabled children, IDEA is a lifeline of hope. As one parent recently told me:

> Thank God for IDEA. Because of IDEA our child is achieving academic success. He is also treated by his nondisabled peers as ''one of the guys.'' I am now confident that he will graduate high school prepared to hold down a job and lead an independent life.
>
> The rewards of IDEA go beyond the classroom and into the very being of our family. IDEA gives us the strength to face the challenges of bringing up a child with a disability. We know that our son is entitled to an appropriate education just like his nondisabled peers. We also know that IDEA provides us with the tools to ensure that the promise of equal educational opportunity is realized.

In May, Danette Crawford, a junior at Urbandale High School in Des Moines, IA, testified before the Subcommittee on Disability Policy. Danette explained that she has cerebral palsy which greatly limits her ability to carry out any personal care tasks and fine motor activities such as writing. She uses a wheelchair for mobility. Danette testified that:

> My grade point average stands at 3.8 and I am enrolled in advanced placement courses. The education I am receiving is preparing me for a real future. Without IDEA I am convinced I would not be receiving the quality education that Urbandale High School and the Talented and Gifted Program provide me. After graduating high school I hope to attend Carleton College in Northfield, Minnesota, focusing on a double major in political science or history and Spanish. Carlton is sometimes referred to as the ''Harvard of the midwest.'' I hope to pursue a law degree.

However, despite the great progress that has been made over the past 20 years, significant challenges remain. As Secretary Riley points out, too many students with disabilities are still failing courses and dropping out of school; enrollment in postsecondary education is still too low; and too many students are leaving school ill-prepared for employment and independent living.

As ranking member of the Subcommittee on Disability Policy, I am pleased to introduce, along with Senator KENNEDY, the ranking member of the Labor and Human Resources Committee, the Clinton administration's bill reauthorizing the Individuals with Disabilities Education Act.

With this reauthorization we have the opportunity to take what we have learned over the past 20 years and use it to update and improve this critical law.

I commend Secretary Riley, Judy Heumann, Assistant Secretary for Special Education and Rehabilitative Services, Tom Hehir, Director of the Office of Special Education Programs, and their staffs for developing a carefully crafted bill that will enhance educational opportunities for over 5 million children with disabilities.

The administration has developed their bill based on numerous meetings and discussions with all interested parties, including parents, educators, and administrators across the country. The administration has reviewed over 2,000 recommendations sent in response to a call for comment last fall on suggestions for improving the IDEA.

I do not believe that everyone will be in complete agreement about each of the provisions in the bill. But, I do believe that the administration has achieved a necessary balance that is so important in this law.

I fully support the six key principles on which the administration's proposal are based:

Aligning IDEA with State and local education reform efforts so students with disabilities will benefit from them;

Improving results for students with disabilities through higher expectations and meaningful access to the general curriculum, to the maximum extent possible;

Addressing individual needs in the least restrictive environment for students;

Providing families and teachers with the knowledge and training to effectively support students' learning;

Focusing on teaching and learning; and

Strengthening early intervention to ensure that every child starts school ready to learn.

I look forward to working with Senator FRIST, the chair of the Subcommittee on Disability Policy, Senator KASSEBAUM the chair of the Labor Committee, and other colleagues to craft a consensus bill in the tradition of this committee. It is my hope that the administration's bill will be used as the vehicle for achieving this consensus.

Mr. President, I ask unanimous consent that the letter of transmittal of the administration's bill from Secretary Riley to AL GORE, in his capacity as President of the Senate, be inserted in the RECORD.

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

U.S. DEPARTMENT OF EDUCATION,
June 30, 1995.

Hon. ALBERT GORE, Jr.,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: Enclosed for consideration of the Congress is the ''Individuals with Disabilities Education Act Amendments of 1995,'' the Administration's proposal for improving and restructuring Federal education programs for children with

disabilities under the Individuals with Disabilities Education Act (IDEA). Also enclosed is a section-by-section analysis summarizing the contents of the bill. I am sending an identical letter to the Speaker of the House.

Since enactment of P.L. 94–142, the Education for All Handicapped Children Act of 1975, results for children with disabilities have improved dramatically. Before the enactment of that ground-breaking law, one million children with disabilities were excluded from school altogether, and many were housed in dehumanizing institutions. Today, one of the basic goals of the IDEA has been largely met—children with disabilities have access to education. As we undertake a review of this legislation, we reaffirm our commitment to the basic purposes of the IDEA and the recognition of the Federal role in ensuring that all children with disabilities are provided the equal educational opportunity that the Constitution guarantees. With this reauthorization, we have the opportunity to take what we have learned over the past twenty years and use it to update and improve this important law.

Despite the great progress that has been made, significant challenges remain. Too many students with disabilities are failing courses and dropping out of school. When appropriate interventions are not provided, these students often get in trouble with the law and spend significant time in jail. Enrollment in postsecondary education is still low, and students are leaving school ill prepared for employment and independent living. Children from minority backgrounds and children with limited English proficiency are often inappropriately identified as disabled and placed in special education classrooms with low expectations. In addition, school officials and others complain that the current law is unnecessarily prescriptive, that it focuses too much on paperwork and process, that it imposes unnecessary costs, that it creates barriers to effective discipline, and that it spawns too much litigation.

Our reauthorization proposal addresses these issues and makes improvements to ensure that the fundamental objectives of the law are achieved, while preserving and maintaining existing rights and protections for children and their families. We based our reauthorization proposal on six key principles that clearly define our mission to improve results for students with disabilities, beginning as early as possible in the child's life.

(1) Align the IDEA with State and local education reform efforts so students with disabilities can benefit from them.

(2) Improve results for students with disabilities through higher expectations and meaningful access to the general curriculum, to the maximum extent appropriate.

(3) Address individual needs in the least restrictive environment for the student.

(4) Provide families and teachers—those closest to students—with the knowledge and training to effectively support students' learning.

(5) Focus on teaching and learning.

(6) Strengthen early intervention to ensure that every child starts school ready to learn.

Aligning the IDEA with State and local education reform efforts so students with disabilities can benefit from them underlies our entire proposal.

We need to stop thinking about ''special education'' as a separate program and separate place to put students and start thinking about the supports and services children need in whatever setting is the least restrictive—whether it be the regular classroom, a resource room, a separate classroom, or a separate school. We must promote the transformation of our current categorical education system into a system for all children that meets the individual needs of each child.

We envision an education system that sets higher expectations for all students, gives all students the opportunity to learn to challenging standards, and takes responsibility and is accountable for the success of all children. The strategies we describe below are critical to the development of a system that meets this vision.

Our second principle is that the IDEA must focus on improving results for students with disabilities through higher expectations and meaningful access to the general curriculum, to the maximum extent appropriate.

We know that most children work harder and do better when more is expected of them. Disabled students are no different. When we have high expectations for students with disabilities, most can achieve to the challenging standards established for all students, and all can achieve more than society has historically expected.

One strategy for increasing expectations and access to the general curriculum is improving the individualized education program (IEP). Our proposal would refocus the IEP process on educational results and include requirements that make more sense. The new IEP would include meaningful annual objectives for the student and focus on enabling the child to participate and achieve in the general curriculum. Parents would be informed of their children's progress, by means such as report cards, with the same frequency used to inform parents of nondisabled children. The IEP procedures would be revised to require the participation of at least one regular education teacher in the IEP meeting, and provide for earlier transition planning to help ensure that each student completes secondary school prepared for employment or postsecondary education and independent living.

A related strategy for promoting high expectations and access to the general curriculum is the inclusion of students with disabilities in State and district-wide assessments. While civil rights laws already prohibit the discriminatory exclusion of students with disabilities from participation in assessments, some States exclude over 90 percent of all students with disabilities from those assessments. Of course, a small number of students with significant cognitive disabilities cannot appropriately be included in general State and district-wide assessments. States and districts would conduct alternate assessments for these few students.

Our long-range strategy is that each State would use assessment results and other data it collects on students, such as drop-out rates, to assess and report on its progress toward meeting goals the State would establish for the performance of children with disabilities. We believe that when States assess students with disabilities and report to the public on the results, they will focus more on ensuring that students with disabilities receive the help they need to participate and achieve in the general curriculum and meet the challenging standards established for all students.

The third principle underlying our proposal is addressing individual needs in the least restrictive environment appropriate for the student.

A central purpose of the IDEA is to ensure that each child receives an effective and individualized education that addresses the child's particular needs in the least restrictive environment. Today, children are often identified and served according to the disability category within which they are labeled rather than according to what they need to achieve their full potential. Several critical changes will help defeat this unfortunate categorization.

Our first strategy is to ensure that Federal and State requirements and funding systems do not create disincentives for appropriate placements and services. We propose that the Federal funding formula be changed to allocate to States all new funding above their fiscal year 1995 grants on the basis of the total number of children in the State, not just children with disabilities. This change in the formula would remove disincentives for States to undertake improvements such as the increased provision of early intervention services, and would remove incentives for States to over-identify students as disabled. We are also proposing that any State that bases State aid on the type of settings in which children are served demonstrate that its funding formula does not result in placements that violate the IDEA's least-restrictive-environment requirement or agree to change its formula.

Our second strategy is to promote better ways of identifying and serving students. Under the current IDEA, students must be identified as being in one of 13 specific disability categories to be served. This fosters an undesirable categorical approach to evaluating, labeling, placing, and serving children. We propose to use a new eligibility definition which, together with changes in reporting requirements, would encourage States to move toward less categorical approaches, while permitting States to retain their current eligibility criteria if they choose to do so. Evaluation procedures would also be streamlined so that what is educationally relevant is not lost and resources can be better devoted to helping students. Currently, States are required to conduct extensive evaluations and reevaluations that are costly and of limited utility in making decisions regarding a student's particular educational needs. Under our proposal, agencies would be required to convene an evaluation team every three years to consider the need for additional data, but they would no longer have to conduct tests to re-determine whether the child has a disability unless the agency or parent believes it is necessary. Our proposal would increase the focus of evaluations and reevaluations on instructionally relevant information and whether modifications are necessary to achieve the IEP objectives for the child.

Our fourth principle is that families and teachers must have the knowledge and training to effectively support student learning.

We must provide families and teachers—those closest to students—with the knowledge and training to effectively support students' learning.

There are 14 categorical programs in the IDEA, and over the past two decades there has been much good work done in each of them. However, despite some real successes, we believe that these programs need significant reform. Having developed separately over the years to address specific issues, the 14 programs are fragmented and too narrowly focused. We envisioned a streamlined, comprehensive, and coordinated approach for the discretionary programs that will be more effective in improving results for children with disabilities, while also making more effective use of resources. To achieve this, our proposal would replace the 14 current programs with five flexible authorities. This action would reduce duplication and fragmentation, while fostering collaborative, coordinated efforts across disciplines. The programs would concentrate on developing meaningful and timely information on improving results for students with disabilities and then putting that information into the hands of those who need it: States, school districts, educators, and parents. To ensure that issues concerning the special needs of children with low-incidence disabilities, such

as deaf-blindness, continue to be adequately addressed, there would be a minimum ''floor'' for discretionary spending across the new discretionary authorities to meet the needs of these children.

Family involvement is at the heart of the IDEA. Our proposal will more fully involve parents in decisions about where and how their child is educated. For example, our proposal would require parents to be involved in the decision regarding the child's educational placement. Currently, parents are entitled to participate in the IEP meeting in which decisions are made about the services to be provided, but they are not entitled to participate in placement decisions, and are, therefore, often excluded. Detailed notice to families of their rights is another critical safeguard, yet families currently receive duplicative notices with excessive and confusing information. Our proposal would streamline the notice requirements while ensuring that families would receive all the necessary information whenever they need it.

We also want to reduce unnecessary lawsuits that create emotional and financial burdens for parents and school districts. While the right of parents to ''due process'' hearings to resolve disputes is central to the implementation of the law, recourse to these hearings should be a last resort when less adversarial methods have failed. In States that have mediation in place, parents and school districts report that mediation not only helped them to clarify and resolve their particular disagreement, but that it also helped them to work together better and avoid future conflicts. Our proposal would require that mediation be offered to all parents as an option to resolve disputes.

Many children with disabilities have significant health and other needs that cannot and should not be met by schools alone. Our proposal would give States and districts the flexibility to use some of their IDEA funds to help support the development of State or district-wide systems for coordinating education, health, mental health, and social services.

OUR FIFTH PRINCIPLE IS TO INCREASE THE FOCUS ON TEACHING AND LEARNING

Over the past 20 years, the IDEA has focused on process without sufficient attention to educational results for children with disabilities. Too often, the fundamental purpose of the law is lost. To achieve the improvements we are seeking, we must maximize the extent to which resources are used for teaching and learning. The proposals I have described above for improving IEPs, eligibility determinations, and evaluations of children will help to redirect considerable resources toward more instructionally relevant activities that support higher achievement for children with disabilities. We also propose to reduce unnecessary paperwork for schools, while improving services for students, by allowing schools to use their IDEA funds to pay for special education services in the regular classroom for the purpose of benefiting students with disabilities without having to track whether nondisabled students also benefit.

Requirements imposed on State and local educational agencies also drain resources that could be better used to improve teaching and learning. For example, current application requirements direct States to document their compliance with various procedures. To establish their eligibility for funding, States routinely submit to the Department boxes of documents containing copies of all State policies and procedures for special education. Yet, States are not required to plan for improving educational results. To reduce unnecessary burden, our proposal would eliminate State plans. States would merely be required to update documentation kept on file at the Department. Similarly, we would give States the discretion to eliminate applications from LEAs as long as appropriate documentation is on file.

A new State improvement authority would recognize the key role that the States play in implementing the law and enhance the ability of State agencies to carry out their own plans for program improvement by providing flexible resources based on an IDEA State Improvement Plan. Recognizing that the essential element of school improvement is well-prepared teachers and administrators, the authority would focus substantial attention and funding on teacher preparation. This authority would distribute funds to States on a formula basis and would be an impetus for improving the entire IDEA program by giving States additional resources to undertake the strategies they have identified for meeting their performance goals for children with disabilities. To assist States in these efforts, States would also be given flexibility to consolidate funds available for administration of Part B programs.

Maintaining a safe and orderly environment is essential for learning. Our proposal addresses the issue of school discipline related to students with disabilities. We believe the changes we are proposing to improve the educational opportunities of students with disabilities and to promote effective practices will help curb potential discipline problems. However, prevention is not always sufficient, and there are times when schools must take steps to address misconduct. Our proposal would extend the Improving America's Schools Act amendment to IDEA, which permits schools to immediately remove a child from the classroom for up to 45 days for bringing a gun to school, to cover other dangerous weapons such as knives. We are also proposing that schools be permitted to go to hearing officers to obtain quick decisions about whether a child is dangerous and may be removed from the classroom. Hearing officers already exist in every State to address special education issues. This provision would help schools to expedite decisions related to dangerous conduct that does not involve weapons.

Our sixth principle is to strengthen early intervention to help ensure that every child starts school ready to learn.

Support for families also means working with them to address the early intervention needs of their infants and toddlers. While States and communities have made tremendous progress in implementing their early intervention systems for children from birth through age two under Part H of the IDEA, there remain two major challenges: ensuring that all eligible infants and toddlers receive services, and supporting the prevention of developmental delays by expanding the inclusion of at-risk infants and toddlers within the Part H comprehensive system of services. To address these challenges, our proposal would give States greater flexibility in their efforts to serve infants and toddlers at risk of developmental delay. We also propose to draw on the best expertise in the nation to evaluate the need for and develop an appropriate definition of developmental delay in infants and toddlers in order to help States ensure that all children in need are identified and served.

I urge Congress to act favorably and quickly on these proposals. Their enactment will help local communities in their efforts to create safe, disciplined schools that have high expectations for all their students, and well prepared teachers, and will strengthen the involvement of families in their children's education. I look forward to working with you as we all strive to improve the IDEA in order to improve results for children with disabilities.

The Office of Management and Budget advises that there is no objection to the submission of this proposal to Congress and that its adoption would be in accord with the program of the President.

Yours sincerely,

RICHARD W. RILEY,
Secretary.

Mr. KENNEDY. Mr. President, I am pleased to join my colleague, Senator HARKIN, the ranking member of the Subcommittee on Disability Policy of the Labor and Human Resources Committee, in introducing the Clinton administration's bill reauthorizing the Individuals With Disabilities Education Act.

In its 20 years of existence, IDEA has greatly improved public education for students with disabilities in the United States. It has given them the opportunity for a public education and the necessary services to improve the quality of their lives and futures.

However, despite the significant advances made through IDEA over the past 20 years, we still have a long way to go. Educational outcomes for students with disabilities remain less than satisfactory. Enrollment in post-secondary education is low, and students with disabilities too often emerge from public education poorly prepared to find employment and live independently.

Moreover, children from minority backgrounds are often mislabeled and placed in special education classrooms, subject to low expectations for achievement. In the majority of States, African-American students are overrepresented in special education programs, compared with their percentage of the overall student population. In fact, studies have shown that young African-American males are often inappropriately placed in special education programs, or placed in overly restrictive settings. Once there, they generally remain trapped there, often with very little opportunity to move into regular classrooms, even when such transitions are obviously warranted.

Currently, Federal and State funding contributes to this problem by creating disincentives for appropriate placements and services. Some funding systems base allocations on the number of disabled students that each State educates. As a result, special education programs often operate in ways specifically designed to attract State and Federal dollars to local school districts—not to serve students best.

The administration's bill takes a significant step in addressing this problem by changing the formula so that all new funding to States above their grants for the 1995 fiscal year is allocated on the basis of the total number of children in the States, rather than just the number of children with disabilities.

We have learned much over the past 20 years, and have gained an understanding about what does and does not work. We now have the opportunity to

make significant improvements in the implementation and enforcement of this important law. The Department of Education has worked diligently and carefully to develop legislation that makes substantial improvements in areas that need revision, and to expand upon provisions that have worked in the past.

Specifically, the legislation focuses on aligning IDEA with State and local education reforms, giving students with disabilities the same opportunity to benefit from those reform efforts as other students. The legislation focuses on ensuring that each child receives an individualized education that addresses the child's particular needs in the least restrictive environment possible. It increases the focus on teaching and learning, and works to strengthen early intervention to help ensure that every child starts school ready to learn. It promotes training and education for parents and teachers to help them serve their students better.

The bill also promotes involvement by families of every economic level. Family involvement is a critical component of success in education, and should be at the heart of education reform. Parents in all communities must be able to take a more active role in decisionmaking concerning the education and placement of their children. The administration's bill takes effective steps to make this possible, and contains provisions to ensure that families, teachers and school administrators have the knowledge and training they need to work effectively with students and with each other. It also provides mechanisms to encourage mediation as an available option for parents seeking to resolve disputes.

One of the most significant reforms of public education is to reduce categorizing and labeling, and to focus instead on raising expectations and increasing access to the general curriculum for all students.

All children have the right and deserve the opportunity to receive the proper education for their individual needs, whether or not they have a disability. Each parent has a right to be involved in that process.

I am proud to cosponsor this vital legislation, and I commend Secretary Richard Riley and his staff for their efforts to make the act more effective for all children with disabilities. I look forward to working with my colleagues on the committee to reauthorize and improve IDEA and to achieve its great goals.

By Mrs. BOXER:

S. 1076. A bill to designate the Western Program Service Center of the Social Security Administration located at 1221 Nevin Avenue, Richmond, California, as the ''Francis J. Hagel Building,'' and for other purposes; to the Committee on Finance.

THE FRANCIS J. HAGEL BUILDING ACT OF 1995

● Mrs. BOXER. Mr. President, I am honored to rise today to introduce this legislation to honor a true hero among civil servants—Frank Hagel—a Federal employee who rose through the ranks to become a top manager and whose leadership was sorely tested during a crisis at the center a few years ago.

His death at an early age last January was mourned throughout the San Francisco Bay area.

Frank Hagel was the seventh director of the Social Security Western Program Service Center in Richmond, CA. Built in 1975, the center stands in the heart of Richmond, and has had as many as 2,000 employees, but now down to 1,200 largely because of automation. In addition to updating the benefit payment rolls, center employees answer the Social Security Administration's national toll-free number during peak times.

Hagel, a native of Missouri, began his Federal career as a file clerk in 1965 at what was then called the Kansas City Payment Center. His hard work and talent enabled him to work his way up through technical and managerial positions in the organization. His special abilities were recognized at the highest levels in SSA. He was called upon frequently to lead management review teams, to serve on strategic planning task forces, and to lead national work groups on critical organizational issues. For his effort, he was recognized with the agency's highest honor award, the Commissioner's Citation.

In March 1986, he moved to California from Missouri to undertake the challenge of providing Federal oversight and liaison to the State of California's disability determination process. He helped the State achieve consistency in timeliness and accuracy.

His continued success led to his promotion in December 1990, when he became Assistant Regional Commissioner, processing center operations. This was a crowning achievement for a man who had started 25 years earlier as a file clerk. Before the year was out, Hagel's skills and abilities would be tested again.

The Western Program Service Center suffered an outbreak of Legionnaire's disease in September 1991. This outbreak included two deaths and serious illness to a dozen more employees from the disease. Fear and panic were rampant but Hagel led his employees through this terrifying period. His first steps were to reassure employees by providing information, health screening, and blood tests to all who wanted it. Hagel then began to put the center back in operation. Because the building had to be closed, the entire 1,200-person work force had to be relocated, and within 2 weeks the operation serving Social Security beneficiaries was back on its feet.

Hagel's calm and steady hand at the head of the center during this crisis earned him a second Commissioner's Citation in 1992.

In 1994, Hagel became Assistant Regional Commissioner, management and budget, region IX. In this position, he had a broader set of responsibilities to provide support to the entire regional operation, including 180 field facilities. Again, his leadership and his example proved invaluable to the region.

Hagel died on January 1, 1995, leaving a reputation for his willingness to listen closely to everyone, unerring respect for each and every individual, broad lines of communication from labor to the business community and most important, an intense caring for the American people for whom he served.

That caring carried into his personal life. He counseled at-risk youth at the high school level and encouraged other adults to participate.

Mr. President, hundreds of Social Security employees have petitioned me—from mail clerks to top managers—asking that we honor Frank Hagel by naming the building in which they work after their late leader. I am honored to present legislation carrying out their wishes.

I ask unanimous consent to include in the RECORD a copy of the bill and a resolution from the city of Richmond, CA, in support of this naming bill.

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

S. 1076

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

SECTION 1. DESIGNATION OF FRANCIS J. HAGEL BUILDING.

The Western Program Service Center of the Social Security Administration located at 1221 Nevin Avenue, Richmond, California, shall be known and designated as the ''Francis J. Hagel Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the ''Francis J. Hagel Building.''

''RESOLUTION

''Whereas, The City of Richmond is proud to recognize significant contributions provided by Francis J. Hagel, to improve the quality of life of those Americans who qualify for Social Security benefits, and to provide critical assistance to Richmond residents, while Assistant Regional Commissioner for Processing Center Operations for the Social Security Administration's Western Program Service center in Richmond, and,

''Whereas, Francis J. Hagel, as a Richmond resident, was committed to rendering the highest caliber of community service to its inhabitants, and,

''Whereas, Francis J. Hagel, as Assistant Regional Commissioner for Processing Center Operations of the Social Security Administration's Western Program Service Center, directed the activities of employees processing the benefit payment records for over 4.5 million people in 14 western states and the Pacific Islands, and,

''Whereas, Francis J. Hagel, as Assistant Regional Commissioner for Processing Center Operations, with its 1200 employees, led it as an integral part of the local economy and one of its major employers: Now, therefore, be it

''*Resolved,* That I, Rosemary M. Corbin, Mayor of the City of Richmond, on behalf of

the City Council, in recognition of the valuable contributions made by Francis J. Hagel to the City of Richmond as a resident and also as Assistant Regional Commissioner for Processing Center Operations, do hereby support the request that the name of the Social Security Administration's Western Program Service Center be changed to the Francis J. Hagel Building.●

By Mr. HARKIN (for himself, Mr. AKAKA, Mr. BINGAMAN, Mr. INOUYE, Mr. KYL, and Mr. REID):

S. 1077. A bill to authorize research, development, and demonstration of hydrogen as an energy carrier, and for other purposes; to the Committee on Energy and Natural Resources.

THE HYDROGEN FUTURE ACT OF 1995

Mr. HARKIN. Mr. President, on behalf of myself, Senators AKAKA, KYL, INOUYE, BINGAMAN, and REID, I am introducing today a very important piece of bipartisan legislation, the Hydrogen Future Act of 1995. I want to especially commend my colleague from Hawaii, Senator AKAKA, for his leadership in this area and for the good work he has done in putting together this bill. He continues a great tradition begun by the late Spark Matsunaga as a national leader in the field of hydrogen energy research and development.

Hydrogen is plentiful, efficient, and clean burning source of energy. It is ideal in that it combusts to pure water, and leaves no pollutants—no ozone depleting chemicals, no acid rain, no radioactive waste. All you get is pure, clean when you burn hydrogen.

Hydrogen also efficiently powers fuel cells, the latest breakthrough in power. Unlike electricity, which it complements, hydrogen can be stored and it can be piped long distances with no energy loss. And hydrogen energy is not simply a pipe dream. It is already on the road, powering some buses in Vancouver. But much more work needs to be done to bring hydrogen energy to the point where it can be used on a widescale basis.

With a modest investment in research and development, we can save billions through improved efficiencies and better protect our fragile environment. If we don't act now to develop this alternative energy source, our global competitors will clearly have an advantage. They are already investing more than we are in developing hydrogen. For example, as of several years ago, Germany was spending about $50 million a year on renewable hydrogen, five times our meager investment.

Our bill says that the United States is committed to hydrogen. We recognize its great potential. And we are willing to make a very modest and cost effective investment to back up that commitment. As does the bill passed by the House, our legislation authorizes $25 million in fiscal year 1996, $35 million in fiscal year 1997, and $40 million in fiscal year 1998 for research on hydrogen energy. This bill is clearly not everything I would want. It is a good faith attempt at a bipartisan compromise to move us forward.

As you may know, the House has already passed H.R. 655, the companion to our bill. H.R. 655 was sponsored by Representative BOB WALKER, chair of the House Science and Technology Committee, and it was passed by voice vote on May 2, 1995. Representative WALKER has been a real leader in this area and has done it not for political reasons, but out of a true commitment to science and a careful study of the great potential of hydrogen. So the Hydrogen Future Act has broad bipartisan support in Congress and I am hopeful that the Senate will follow the House in quickly and decisively passing this bill.

It is up to us to provide vision to the energy policy of this country by authorizing funds for hydrogen research. Then it is up to our scientists to provide focus to the hydrogen program, through the Hydrogen Technical Advisory Panel, which our bill continues, and through peer reviewed research, which our bill emphasizes.

During the first energy crisis back in the seventies, I served on the House Science and Technology Committee shaping programs for renewable energy and alternative energy production during the Carter administration.

And we held dozens of hearings regarding energy and particularly the role of technology in providing new sources of energy.

If one thing emerged from my 10 years on that committee, it was the understanding—the realization—that hydrogen is truly our best hope for an environmentally safe sustainable energy future.

I carried that understanding with me to the Senate where I learned even more from giants like Spark Matsunaga. And I am proud to have sponsored the Renewable Hydrogen Energy Research and Development Act which built on Senator Matsunaga's work and is reflected in the legislation we are introducing today.

I know hydrogen can be the answer to many of the energy and environmental challenges we face today. It can lead us down the road to a better future. But it is up to us to pave that road. It is up to us to build it. We should fund hydrogen research until every American knows what the promise of hydrogen is, through his or her use of hydrogen in everyday life.

And I know we have begun. When I first became interested in solar hydrogen several years ago, the DOE program consisted of three or four basic university research programs, exploring alternative methods to produce hydrogen. The program has grown—much more slowly than I would have liked—but it has grown.

In addition to the basic research into alternative hydrogen production techniques, DOE now funds programs in advanced hydrogen storage, systems analysis, as well as the fuel cell for transportation program that has grown a lot faster than the hydrogen program itself.

Do we want a set of fuel cell automobile fleets and hydrogen dispensing stations? Or do we want a dozen photovolatic and wind hydrogen generating stations? Do we want to set a long-term goal of supplying 1 or 5 or 10 quads of energy by 2105 from renewable hydrogen?

I would vote for all of the above.

But even if Congressman WALKER, Senator AKAKA, Senator KYL, I and the other supporters of this legislation succeed in doubling or tripling what I consider to be a totally inadequate hydrogen budget, we could not meet all of these goals.

So we have to be selective. We have to make choices. This bill does that. We have compromised on the level of funding authorized and the activities to be undertaken.

As I have indicated to you, there are many promising avenues of research for hydrogen. But I want to give one specific example so you can understand the potential of hydrogen. Well, let me tell you about a major hydrogen project that I think is quite important for America. It's called electro-farming.

As Joan Ogden of Princeton and other scientists have shown, hydrogen from biomass is probably the least costly source of renewable hydrogen we have today. DOE does have a biomass energy program, and it has grown very rapidly over the last few years. But the DOE biomass program is focussed on either methanol production or direct electricity production via steam generators—or on biomass gasification to drive gas turbines.

But, as far as I know, there is no program to maximize the hydrogen production in a biomass gasifier for use in a fuel cell. Electro-farming would take advantage of one of our Nation's greatest underutilized assets: the American agriculture production system.

What would that mean on the ground in a State like Iowa? Well right now, the Federal Government pays farmers not to grow crops on 34 million acres of erodible land—the Conservation Reserve Program or CRP.

Just a couple of years ago, the Iowa legislature passed legislation mandating utilities to buy renewable electricity at 6 cents per kilowatt/hour. Well, I worked out a proposal which I presented to the Hydrogen Technical Advisory Panel last year using present day input costs What we found was that if farmers grew an energy crop like switchgrass, the Government could save on CRP payments and the farmer could earn a profit for growing biomass for energy.

In fact, based on preliminary numbers we found that an Iowa corn farmer could earn 3–10 times more per acre growing switchgrass on an electro-farm than growing corn on a conventional farm. The fact is electro-farming is a win-win-win proposal. The Federal Government wins—cutting conservation reserve program payments, improving our environment, and reducing

dependence on foreign oil. The farmer wins—diversifying his earning base, improving his income, and possibly even becoming energy independent. And utilities win—adding capacity relative to demand and reducing transmission costs.

I think the electro-farm could form one foundation for what I believe to be a good midterm goal for the hydrogen program: sustainable energy centers.

As I suggested to the hydrogen scientists last year, the Department of Energy should initiate one or more sustainable energy centers to demonstrate the production, storage, and use of hydrogen as an energy carrier.

The main purpose of these centers would be to prove to the public and the business community the technical and economic potential of renewable hydrogen. This would show to everybody that hydrogen can provide a zero emission fuel for the future in a cost effective manner.

But unfortunately most people don't know about hydrogen. For most citizens, hydrogen reminds them of the hydrogen bomb or, if you're older, the Hindenburg. If we are to create a sustainable energy option for the future based on renewable hydrogen, we have to educate people on the merits of hydrogen. So the main purpose of the sustainable energy centers would be to show people how hydrogen can be used safely and effectively to heat their homes, power their cars, and drive their factories.

The sustainable energy centers would also serve as a training center for hydrogen scientists and technicians. It would permit the testing of new hydrogen components, and it would permit the integration of various production, storage, and utilization devices into a complete working energy system. In addition, it would permit the evaluation of many costs, to reassure private industry and interest them in developing hydrogen products on a commercially viable basis.

I believe that sustainable energy centers will take hydrogen the next step—moving it from a university-based R&D program to a publicly accepted energy carrier to complement electricity.

And substantially increasing the hydrogen budget is critical to move hydrogen from a basic R&D program to a major sustainable energy option for the 21st century.

In short, we all know what the vision is: hydrogen produced by renewable energy with absolutely no pollution of any type, and no resource depletion of any kind—a truly sustainable energy option.

Now we need to put flesh and bones on that vision.

We need to make it real so people can feel the heat from a hydrogen furnace, or drive a hydrogen powered car and see that there are no emissions from the tailpipe—or, in the case of a hydrogen fuel cell car, see that there is no tailpipe at all.

By passing and implementing this legislation, we can pass on to our children and grandchildren a better future, a brighter future—without the pollution, without the smog, and without the resource depletion that is a fact of life today, but that can be a relic of the past tomorrow.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 1077

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 ''Hydrogen Future Act of 1995''.

SEC. 2. FINDINGS.

Congress finds that—

(1) fossil fuels, the main energy source of the present, have provided this country with tremendous supply but are limited;

(2) additional research, development, and demonstration are needed to encourage private sector investment in development of new and better energy sources and enabling technologies;

(3) hydrogen holds tremendous promise as a fuel because it can be extracted from water and can be burned much more cleanly than conventional fuels;

(4) hydrogen production efficiency is a major technical barrier to society's collectively benefiting from one of the great energy carriers of the future;

(5) an aggressive, results-oriented, multiyear research initiative on efficient hydrogen fuel production and use should be maintained; and

(6) the current Federal effort to develop hydrogen as a fuel is inadequate.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to direct the Secretary of Energy to conduct a research, development, and demonstration program leading to the production, storage, transport, and use of hydrogen for industrial, residential, transportation, and utility applications; and

(2) to provide advice from academia and the private sector in the implementation of the Department of Energy's hydrogen research, development, and demonstration program to ensure that economic benefits of the program accrue to the United States.

SEC. 4. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—The term ''Department'' means the Department of Energy.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 5. RESEARCH AND DEVELOPMENT.

(a) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—Pursuant to this section, the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12401 et seq.), and section 2026 of the Energy Policy Act of 1992 (42 U.S.C. 13436), and in accordance with the purposes of this Act, the Secretary shall conduct a hydrogen energy research, development, and demonstration program relating to production, storage, transportation, and use of hydrogen, with the goal of enabling the private sector to demonstrate the feasibility of using hydrogen for industrial, residential, transportation, and utility applications.

(2) PRIORITIES.—In establishing priorities for Federal funding under this section, the Secretary shall survey private sector hydrogen activities and take steps to ensure that activities under this section do not displace or compete with the privately funded hydrogen activities of the United States industry.

(b) SCHEDULE.—

(1) SOLICITATION.—Not later than 180 days after the date of the enactment of an Act providing appropriations for programs authorized by this Act, the Secretary shall solicit proposals from all interested parties for research and development activities authorized under this section.

(2) DEPARTMENT FACILITY.—The Secretary may consider, on a competitive basis, a proposal from a contractor that manages and operates a department facility under contract with the Department, and the contractor may perform the work at that facility or any other facility.

(3) AWARD.—Not later than 180 days after proposals are submitted, if the Secretary identifies one or more proposals that are worthy of Federal assistance, the Secretary shall award financial assistance under this section competitively, using peer review of proposals with appropriate protection of proprietary information.

(c) COST SHARING.—

(1) RESEARCH.—

(A) IN GENERAL.—Except as provided in subparagraph (B), in the case of a research proposal, the Secretary shall require a commitment from non-Federal sources of at least 25 percent of the cost of the research.

(B) BASIC OR FUNDAMENTAL NATURE.—The Secretary may reduce or eliminate the non-Federal requirement under subparagraph (A) if the Secretary determines that the research is purely basic or fundamental.

(2) DEVELOPMENT AND DEMONSTRATION.—In the case of a development or demonstration proposal, the Secretary shall require a commitment from non-Federal sources of at least 50 percent of the cost of development or demonstration.

(d) CONSULTATION.—Before financial assistance is provided under this section or the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12401 et seq.)—

(1) the Secretary shall determine, in consultation with the United States Trade Representative and the Secretary of Commerce, that the terms and conditions under which financial assistance is provided are consistent with the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreement Act (19 U.S.C. 3511(d)(12)); and

(2) an industry participant shall be required to certify that—

(A) the participant has made reasonable efforts to obtain non-Federal funding for the entire cost of the project; and

(B) full non-Federal funding could not be reasonably obtained.

(e) DUPLICATION OF PROGRAMS.—The Secretary shall not carry out any activity under this section that unnecessarily duplicates an activity carried out by another government agency or the private sector.

SEC. 6. TECHNOLOGY TRANSFER.

(a) EXCHANGE.—The Secretary shall foster the exchange of generic, nonproprietary information and technology developed pursuant to section 5 among industry, academia, and government agencies.

(b) ECONOMIC BENEFITS.—The Secretary shall ensure that economic benefits of the exchange of information and technology will accrue to the United States economy.

SEC. 7. REPORTS TO CONGRESS.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Secretary shall transmit to Congress a detailed report on the status and progress of the Department's hydrogen research and development program.

(b) CONTENTS.—A report under subsection (a) shall include—

(1) an analysis of the effectiveness of the program, to be prepared and submitted by the Hydrogen Technical Advisory Panel established under section 108 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12407); and

(2) recommendations of the Panel for any improvements in the program that are if needed, including recommendations for additional legislation.

(3) REPEAL OF UNNECESSARY PROVISION.—The Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 1401 et seq.) is amended—

(A) by striking section 103;

(B) by redesignating sections 104, 105, 106, 107, 108, and 109 as sections 103, 104, 105, 106, 107, and 108, respectively;

(C) in section 103 (as redesignated)—

(i) in subsection (a) by striking '', consistent with the 5-year comprehensive program management plan under section 103,''; and

(ii) in subsection (e) by striking ''106'' and inserting ''105'';

(D) in section 104(b) (as redesignated) by striking ''104'' and inserting ''103'';

(E) in section 105(a) (as redesignated) by striking ''108'' and inserting ''107'';

(F) in section 106(c) (as redesignated) by striking ''108'' and inserting ''107''; and

(G) in section 107(d) (as redesignated)—

(i) by adding ''and'' at the end of paragraph (1);

(ii) by striking ''; and'' at the end of paragraph (2) and inserting a period; and

(iii) by striking paragraph (3).

SEC. 8. COORDINATION AND CONSULTATION.

(a) COORDINATION WITH OTHER FEDERAL AGENCIES.—The Secretary shall—

(1) coordinate all hydrogen research and development activities in the Department with the activities of other Federal agencies, including the Department of Defense, the Department of Transportation, and the National Aeronautics and Space Administration, that are engaged in similar research and development; and

(2) pursue opportunities for cooperation with those Federal entities.

(b) CONSULTATION.—The Secretary shall consult with the Hydrogen Technical Advisory Panel established under section 108 of the Spark M. Matsunaga Hydrogen Research, development, and Demonstration Act of 1990 (42 U.S.C. 12407) as necessary in carrying out this Act.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act—

(1) $25,000,000 for fiscal year 1996;

(2) $35,000,000 for fiscal year 1997; and

(3) $40,000,000 for fiscal year 1998.

(b) LIMITATION ON AUTHORITY TO OBLIGATE FUNDS.—

(1) LIMITATION.—In each of fiscal years 1996, 1997, and 1998, the total amount that may be obligated for energy supply research and development activities shall not exceed the total amount obligated for such activities in fiscal year 1995.

(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed as authorizing the appropriation of any Federal funds.

Mr. KYL. Mr. President, it is difficult to believe that the solution to U.S. air pollution and dependence on foreign oil could be solved by the most abundant element in the universe—hydrogen. Yet we know that hydrogen can fuel our cars and cool our homes while producing water as its only byproduct.

We know that this is possible through research conducted by the U.S. Department of Energy. Unfortunately, we do not yet know how to extract hydrogen from water in large enough quantities or at a low enough cost to make it a viable fuel alternative in the United States.

While the Department of Energy has researched hydrogen as an alternative fuel for the last 5 years, the Governments of Japan, Germany, and Canada, where hydrogen-powered buses already run in Vancouver, have out-spent and out-researched us. The United States is already purchasing hydrogen fuel cells from Canada because they are not produced here.

By implementing the Hydrogen Future Act and increasing our funding for hydrogen research, we will remain competitive with other countries and will increase the likelihood that we will develop a nonpolluting alternative fuel which will reduce our dependence on foreign oil and energy products.

This bill would make hydrogen research a priority without increasing spending for research and development within the Department of Energy. It would also require non-Federal sources to pay for at least 25 percent of the research program costs and 50 percent of the costs directly related to any research development or demonstration project.

As I said before, we already know hydrogen can act as a power carrier. We already know our major international competitors are seriously researching its possibilities. We need to know how to produce it in larger quantities and at a reasonable cost, and that is why the Senate needs to pass the Hydrogen Future Act.

Mr. AKAKA. Mr. President, today I join my distinguished colleague, Senator HARKIN, in introducing legislation to encourage the development of a fuel for the future—hydrogen.

Hydrogen is an efficient and environmentally friendly energy carrier that can be obtained using conventional or renewable resources. There is growing evidence that hydrogen can be a solution for America's long-term energy needs.

Our Nation's economy is heavily dependent on fossil fuels. Eighty-nine percent of our primary energy base consists of oil, natural gas, and coal. These fossil fuels are nonrenewable and eventually will be exhausted.

U.S. energy consumption has risen steadily for more than a decade and will continue to rise over the next 20 years. From 1983 to 1992, our Nation's consumption of energy from primary sources rose 17 percent. Recent projections by the Energy Information Administration suggest that the United States' consumption of oil, natural gas, and coal will increase by more than 1.0 percent each year through the year 2010.

I want to point out that last year, for the first time ever, more than half of the oil used in our country came from foreign sources. Steadily rising demand for these finite energy resources dictates the need for research on alternatives such as hydrogen.

Now is the time to increase research efforts to develop a new source of energy if we are to make a smooth transition to the next generation energy source. Growing evidence points to hydrogen as the fuel to resolve our energy problems and satisfy a wide variety of the world's energy needs.

One advantage of hydrogen is that it can be produced from renewable resources through biomass conversion. Biomass conversion uses crops and forest product residues to produce hydrogen. Ultimately, the direct generation of hydrogen from water will provide us with a continuous supply of the fuel.

Hydrogen as a fuel is not a new concept, but technical progress towards this goal has been slow. For more than two decades there has been continuing worldwide interest in hydrogen as a renewable fuel.

The Library of Congress reported in ''Hydrogen: Technology and Policy'' that large quantities of hydrogen are being produced each year for nonenergy uses, however, it would be difficult or impossible to meet future energy demands with today's hydrogen technology.

Some of the problems facing the development of hydrogen as a fuel are the high cost of production, storage, and distribution. More economical methods of producing hydrogen are urgently needed. Currently, the cost of producing pure hydrogen from water by electrolysis is prohibitive, unless cheap electricity is available.

The vast majority of the hydrogen produced today is transported only a short distance before use. An integrated production, storage, and distribution system will also be required. These are only a few of the barriers to making hydrogen fuel commercially viable.

Our Nation needs an active and systematic research, development, and demonstration program to make the breakthroughs necessary so that hydrogen can become a viable alternative to fossil fuels. ''The Green Hydrogen Report'' to be published by the Secretary of Energy's Hydrogen Technical Advisory Panel this summer will detail a research agenda for the fuel.

My predecessor, Senator Spark Matsunaga, was one of the first to focus attention on hydrogen by sponsoring hydrogen research legislation. The Matsunaga Hydrogen Act, as this legislation came to be known, was designed to accelerate development of a domestic capability to produce economically renewable hydrogen in sufficient quantities to reduce the Nation's dependence upon conventional fuels. As a result of Spark Matsunaga's vision, the Department of Energy is conducting research that will decrease the costs of producing, storing, and using hydrogen. But Congress's continued support for this program is needed.

The bill introduced today expands the current research program efforts under the Matsunaga Hydrogen Act. This new initiative acknowledges the

potential of hydrogen; the need for a strong partnership between the Federal Government, industry, and academia; and the importance of continued support for hydrogen research. It fosters collaboration among Federal agencies, State and local governments, universities, and industry. It encourages private sector investment and cost-sharing in the development of hydrogen as an energy source and associated technologies.

Hydrogen holds tremendous promise as the long-term solution to our Nation's energy problems. We urge our colleagues to support the Hydrogen Future Act of 1995.

ADDITIONAL COSPONSORS

S. 514

At the request of Mr. AKAKA, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 514, a bill for the relief of the heirs, successors, or assigns of Sadae Tamabayashi.

S. 515

At the request of Mr. BRADLEY, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 515, a bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to provide for improved public health and food safety through the reduction of harmful substances in meat and poultry that present a threat to public health, and for other purposes.

S. 647

At the request of Mr. LOTT, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 647, a bill to amend section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 to require phasing-in of certain amendments of or revisions to land and resource management plans, and for other purposes.

S. 770

At the request of Mr. DOLE, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 770, a bill to provide for the relocation of the United States Embassy in Israel to Jerusalem, and for other purposes.

S. 1055

At the request of Mr. HOLLINGS, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 1055, a bill to amend title 49, United States Code, to eliminate the requirement for preemployment alcohol testing in the mass transit, railroad, motor carrier, and aviation industries, and for other purposes.

SENATE RESOLUTION 147

At the request of Mr. THURMOND, the name of the Senator from New York [Mr. D'AMATO] 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 149

At the request of Mr. AKAKA, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of Senate Resolution 149, a resolution expressing the sense of the Senate regarding the recent announcement by the Republic of France that it intends to conduct a series of underground nuclear test explosions despite the current international moratorium on nuclear testing.

SENATE RESOLUTION 156—RELATIVE TO THE U.S. ARMY AIR FORCE

Mr. THURMOND submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 156

Whereas in World War II, the United States Army Air Forces played a decisive role in turning the tide of war both in Europe and the Pacific.

Whereas the price for this role in victory was high, with more than 50,000 Army Air Forces personnel killed in combat.

Whereas the strategic air campaign of the Army Air Forces in Europe during World War II successfully crippled the industrial and economic infrastructure and communications and transportation networks of Germany.

Whereas the Army Air Forces supported ground forces and gained air supremacy in the skies over the beaches of the D-Day invasion of Europe, an operation that set the stage for the downfall of the Third Reich.

Whereas in August 1942, the Army Air Forces commenced air operations that established air supremacy in the Southwest Pacific, thereby contributing significantly to victory in the battles for New Guinea and the Philippines.

Whereas the Army Air Forces supported the strategic and tactical thrusts of the Armed Forces across the central Pacific, the Aleutians, and the China-Burma-India Theater: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the courage, sacrifice, and devotion to duty of the personnel of the United States Army Air Forces in World War II; and

(2) recognizes the outstanding and critical contribution of the Army Air Forces to the worldwide victory of the United States in World War II.

AMENDMENTS SUBMITTED

THE BOSNIA AND HERZEGOVINA SELF-DEFENSE ACT OF 1995

NUNN (AND OTHERS) AMENDMENT NO. 1848

Mr. NUNN (for himself, Mr. GRAHAM, and Mr. ROBB) proposed an amendment to amendment No. 1801 proposed by Mr. DOLE to the bill (S. 21) to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina; as follows:

On page 2, after line 18, insert the following:

''(4) The Contact Group, composed of representatives of the United States, Russia, France, Great Britain, and Germany, has since July 1994 maintained that in the event of continuing rejection by the Bosnian Serbs of the Contact Group's proposal for Bosnia and Herzegovina, a decision in the United Nations Security Council to lift the Bosnian arms embargo as a last resort would be unavoidable.''

On page 5, after line 12, insert the following and reletter subsections (e) and (f) as subsections (f) and (g) respectively:

''(e) INTERNATIONAL POLICY.—If the Government of Bosnia and Herzegovina submits a request to the United Nations Security Council for the departure of UNPROFOR from Bosnia and Herzegovina or if the United Nations Security Council or the countries contributing forces to UNPROFOR decide to withdraw from Bosnia and Herzegovina, as provided in subsection (a), the President (or his representative) shall immediately introduce and support in the United Nations Security Council a resolution to terminate the application of United Nations Security Council resolution 713 to the Government of Bosnia and Herzegovina. The United States shall insist on a vote on the resolution by the Security Council. The resolution shall, at a minimum, provide for the termination of the applicability of United Nations Security Council resolution 713 to the Government of Bosnia and Herzegovina no later than the completion of the withdrawal of UNPROFOR personnel from Bosnia and Herzegovina.''

THE FOREIGN RELATIONS REVITALIZATION ACT OF 1995

D'AMATO AMENDMENTS NOS. 1849–1850

(Ordered to lie on the table.)

Mr. D'AMATO submitted two amendments intended to be proposed by him to the bill (S. 908) to authorize appropriations for the Department of State for fiscal years 1996 through 1999 and to abolish the U.S. Information Agency, the U.S. Arms Control and Disarmament Agency, and the Agency for International Development, and for other purposes; as follows:

AMENDMENT NO. 1849

At the appropriate place insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Iran Foreign Sanctions Act of 1995''.

SEC. 2. IMPOSITION OF SANCTIONS ON PERSONS ENGAGING IN TRADE WITH IRAN.

(a) DETERMINATION BY THE PRESIDENT.—

(1) IN GENERAL.—The President shall impose the sanctions described in subsection (b) if the President determines in writing that, on or after the date of enactment of this Act, a foreign person has, with requisite knowledge, engaged in trade with Iran in any goods or technology (as defined in section 16 of the Export Administration Act of 1979).

(2) PERSONS AGAINST WHICH THE SANCTIONS ARE TO BE IMPOSED.—The sanctions shall be imposed pursuant to paragraph (1) on—

(A) the foreign person with respect to which the President makes the determination described in that paragraph;

(B) any successor entity to that foreign person;

(C) any foreign person that is a parent or subsidiary of that person if that parent or subsidiary with requisite knowledge engaged in the activities which were the basis of that determination; and

(D) any foreign person that is an affiliate of that person if that affiliate with requisite

knowledge engaged in the activities which were the basis of that determination and if that affiliate is controlled in fact by that person.

(b) SANCTIONS.—

(1) DESCRIPTION OF SANCTIONS.—The sanctions to be imposed pursuant to subsection (a)(1) are, except as provided in paragraph (2) of this subsection, as follows:

(A) PROCUREMENT SANCTION.—The United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from any person described in subsection (a)(2).

(B) EXPORT SANCTION.—The United States Government shall not issue any license for any export by or to any person described in subsection (a)(2).

(2) EXCEPTIONS.—The President shall not be required to apply or maintain the sanctions under this section—

(A) in the case of procurement of defense articles or defense services—

(i) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy requirements essential to the national security of the United States;

(ii) if the President determines in writing that the person or other entity to which the sanction would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

(iii) if the President determines in writing that such articles or services are essential to the national security under defense coproduction agreements;

(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose the sanction;

(C) to—

(i) spare parts which are essential to United States products or production;

(ii) component parts, but not finished products, essential to United States products or production; or

(iii) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

(D) to information and technology essential to United States products or production; or

(E) to medical or other humanitarian items.

(c) SUPERSEDES EXISTING LAW.—The provisions of this section supersede the provisions of section 1604 of the Iran-Iraq Arms Non-Proliferation Act of 1992 (as contained in Public Law 102–484) as such section applies to Iran.

SEC. 3. WAIVER AUTHORITY.

The provisions of section 2 shall not apply if the President determines and certifies to the appropriate congressional committees that Iran—

(1) has substantially improved its adherence to internationally recognized standards of human rights;

(2) has ceased its efforts to acquire a nuclear explosive device; and

(3) has ceased support for acts of international terrorism.

SEC. 4. REPORT REQUIRED.

Beginning 60 days after the date of enactment of this Act, and every 90 days thereafter, the President shall transmit to the appropriate congressional committees a report describing—

(1) the nuclear and other military capabilities of Iran; and

(2) the support, if any, provided by Iran for acts of international terrorism.

SEC. 5. DEFINITIONS.

As used in this Act:

(1) ACT OF INTERNATIONAL TERRORISM.—The term ''act of international terrorism'' means an act—

(A) which is violent or dangerous to human life and that is a violation of the criminal laws of the United States or of any State or that would be a criminal violation if committed within the jurisdiction of the United States or any State; and

(B) which appears to be intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by assassination or kidnapping.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committees on Banking, Housing and Urban Affairs and Foreign Relations of the Senate and the Committees on Banking and Financial Services and International Relations of the House of Representatives.

(3) FOREIGN PERSON.—The term ''foreign person'' means—

(A) an individual who is not a United States national or an alien admitted for permanent residence to the United States; or

(B) a corporation, partnership, or other nongovernment entity which is not a United States national.

(4) IRAN.—The term ''Iran'' includes any agency or instrumentality of Iran.

(5) NUCLEAR EXPLOSIVE DEVICE.—The term ''nuclear explosive device'' means any device, whether assembled or disassembled, that is designed to produce an instantaneous release of an amount of nuclear energy from special nuclear material that is greater than the amount of energy that would be released from the detonation of one pound of trinitrotoluene (TNT).

(6) DEFINITION.—For purposes of this subsection, the term ''requisite knowledge'' means situations in which a person ''knows'', as ''knowing'' is defined in section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2).

(7) UNITED STATES.—The term ''United States'' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the United States Virgin Islands, and any other territory or possession of the United States.

(8) UNITED STATES NATIONAL.—The term ''United States national'' means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States;

(B) a corporation or other legal entity which is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons who are nationals of the United States own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such legal entity; and

(C) any foreign subsidiary of a corporation or other legal entity described in subparagraph (B).

AMENDMENT NO. 1850

At the appropriate place, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Comprehensive Iran Sanctions Act of 1995''.

SEC. 2. CONGRESSIONAL FINDINGS.

(a) IRAN'S VIOLATIONS OF HUMAN RIGHTS.—The Congress makes the following findings with respect to Iran's violations of human rights:

(1) As cited by the 1991 United Nations Special Representative on Human Rights, Amnesty International, and the United States Department of State, the Government of Iran has conducted assassinations outside of Iran, such as that of former Prime Minister Shahpour Bakhtiar for which the Government of France issued arrest warrants for several Iranian governmental officials.

(2) As cited by the 1991 United Nations Special Representative on Human Rights and by Amnesty International, the Government of Iran has conducted revolutionary trials which do not meet internationally recognized standards of fairness or justice. These trials have included such violations as a lack of procedural safeguards, trial times of 5 minutes or less, limited access to defense counsel, forced confessions, and summary executions.

(3) As cited by the 1991 United Nations Special Representative on Human Rights, the Government of Iran systematically represses its Baha'i population. Persecutions of this small religious community include assassinations, arbitrary arrests, electoral prohibitions, and denial of applications for documents such as passports.

(4) As cited by the 1991 United Nations Special Representative on Human Rights, the Government of Iran suppresses opposition to its government. Political organizations such as the Freedom Movement are banned from parliamentary elections, have their telephones tapped and their mail opened, and are systematically harassed and intimidated.

(5) As cited by the 1991 United Nations Special Representative on Human Rights and Amnesty International, the Government of Iran has failed to recognize the importance of international human rights. This includes suppression of Iranian human rights movements such as the Freedom Movement, lack of cooperation with international human rights organizations such as the International Red Cross, and an overall apathy toward human rights in general. This lack of concern prompted the Special Representative to state in his report that Iran had made ''no appreciable progress towards improved compliance with human rights in accordance with the current international instruments''.

(6) As cited by Amnesty International, the Government of Iran continues to torture its political prisoners. Torture methods include burns, arbitrary blows, severe beatings, and positions inducing pain.

(b) IRAN'S ACTS OF INTERNATIONAL TERRORISM.—The Congress makes the following findings, based on the records of the Department of State, with respect to Iran's acts of international terrorism:

(1) As cited by the Department of State, the Government of Iran was the greatest supporter of state terrorism in 1992, supporting over 20 terrorist acts, including the bombing of the Israeli Embassy in Buenos Aires that killed 29 people.

(2) As cited by the Department of State, the Government of Iran is a sponsor of radical religious groups that have used terrorism as a tool. These include such groups as Hezballah, HAMAS, the Turkish Islamic Jihad, and the Popular Front for the Liberation of Palestine-General Command (PFLP–GC).

(3) As cited by the Department of State, the Government of Iran has resorted to international terrorism as a means of obtaining political gain. These actions have included not only the assassination of former Prime Minister Bakhitiar, but the death sentence imposed on Salman Rushdie, and the assassination of the leader of the Kurdish Democratic Party of Iran.

(4) As cited by the Department of State and the Vice President's Task Force on Combatting Terrorism, the Government of Iran has long been a proponent of terrorist actions against the United States, beginning

with the takeover of the United States Embassy in Tehran in 1979. Iranian support of extremist groups have led to the following attacks upon the United States as well:

(A) The car bomb attack on the United States Embassy in Beirut killing 49 in 1983 by the Hezballah.

(B) The car bomb attack on the United States Marine Barracks in Beirut killing 241 in 1983 by the Hezballah.

(C) The assassination of American University President in 1984 by the Hezballah.

(D) The kidnapping of all American hostages in Lebanon from 1984–1986 by the Hezballah.

SEC. 3. TRADE EMBARGO.

(a) IN GENERAL.—Except as provided in subsection (c), effective on the date of enactment of this Act, a total trade embargo shall be in force between the United States and Iran.

(b) COVERED TRANSACTIONS.—As part of such embargo the following transactions are prohibited:

(1) Any transaction in the currency exchange of Iran.

(2) The transfer of credit or payments between, by, through, or to any banking institution, to the extent that such transfers or payments involve any interest of Iran or a national thereof.

(3) The importing from, or exporting to, Iran of currency or securities.

(4) Any acquisition, holding, withholding, use, transfer, withdrawal, transportation, importation or exportation of, or dealing in, or exercising any right, power, or privilege with respect to, or any transaction involving, any property in which Iran or any national thereof has any interest; by any person, or with respect to any property, subject to the jurisdiction of the United States.

(5) The licensing for export to Iran, or for export to any other country for reexport to Iran, by any person subject to the jurisdiction of the United States of any item or technology controlled under the Export Administration Act of 1979, the Arms Export Control Act, or the Atomic Energy Act of 1954.

(6) The importation into the United States of any good or service which is, in whole or in part, grown, produced, manufactured, extracted, or processed in Iran.

(c) EXTRATERRITORIAL APPLICATION.—In addition to the transactions described in subsection (b), the trade embargo imposed by this Act prohibits any transaction described in paragraphs (1) through (4) of that subsection when engaged in by a United States national abroad.

(d) EXCEPTIONS.—This section shall not apply to any transaction involving the furnishing, for humanitarian purposes, of food, clothing, medicine, or medical supplies, instruments, or equipment to Iran or to any national thereof.

(e) PENALTIES.—Any person who violates this section or any license, order, or regulation issued under this section shall be subject to the same penalties as are applicable under section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to violations of licenses, orders, or regulations under that Act.

(f) APPLICATION TO EXISTING LAW.—This section shall apply notwithstanding any other provision of law or international agreement.

SEC. 4. OPPOSITION TO MULTILATERAL ASSISTANCE.

(a) INTERNATIONAL FINANCIAL INSTITUTIONS.—(1) The Secretary of the Treasury shall instruct the United States executive director of each international financial institution described in paragraph (2) to oppose and vote against any extension of credit or other financial assistance by that institution to Iran.

(2) The international financial institutions referred to in paragraph (1) are the International Bank for Reconstruction and Development, the International Development Association, the Asian Development Bank, and the International Monetary Fund.

(b) UNITED NATIONS.—It is the sense of the Congress that the United States Permanent Representative to the United Nations should oppose and vote against the provision of any assistance by the United Nations or any of its specialized agencies to Iran.

SEC. 5. WAIVER AUTHORITY.

The provisions of sections 3 and 4 shall not apply if the President determines and certifies to the appropriate congressional committees that Iran—

(1) has substantially improved its adherence to internationally recognized standards of human rights;

(2) has ceased its efforts to acquire a nuclear explosive device; and

(3) has ceased support for acts of international terrorism.

SEC. 6. REPORT REQUIRED.

Beginning 60 days after the date of enactment of this Act, and every 90 days thereafter, the President shall submit to the appropriate congressional committees a report describing—

(1) the nuclear and other military capabilities of Iran; and

(2) the support, if any, provided by Iran for acts of international terrorism.

SEC. 7. DEFINITIONS.

For purposes of this Act—

(1) the term ''act of international terrorism'' means an act—

(A) which is violent or dangerous to human life and that is a violation of the criminal laws of the United States or of any State or that would be a criminal violation if committed within the jurisdiction of the United States or any State; and

(B) which appears to be intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by assassination or kidnapping.

(2) the term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives;

(3) the term ''Iran'' includes any agency or instrumentality of Iran;

(4) the term ''United States'' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianna Islands, American Samoa, Guam, the Virgin Islands, and any other territory or possession of the United States; and

(5) the term ''United States national'' means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States;

(B) a corporation or other legal entity which is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons who are nationals of the United States own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such legal entity; and

(C) any foreign subsidiary of a corporation or other legal entity described in subparagraph (B).

THE BOSNIA AND HERZEGOVINA SELF-DEFENSE ACT OF 1995

COHEN AMENDMENT NO. 1851

Mr. COHEN proposed an amendment to amendment No. 1848 proposed by Mr. NUNN to amendment No. 1801 proposed by Mr. DOLE to the bill (S. 21) to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina; as follows:

Strike the period at the end and insert in lieu thereof the following: ''In the event the United Nations Security Council fails to adopt the resolution to terminate the application of United Nations Security Council resolution 713 to the Government of Bosnia and Herzegovina because of a lack of unanimity of the permanent members, thereby failing to exercise its primary responsibility for the maintenance of international peace and security, the United States shall promptly endeavor to bring the issue before the General Assembly for decision as provided for in the Assembly's Uniting for Peace Resolution of 1950.''

THE RYAN WHITE CARE REAUTHORIZATION ACT OF 1995

KASSEBAUM (AND KENNEDY) AMENDMENT NO. 1852

Mrs. KASSEBAUM (for herself and Mr. KENNEDY) proposed an amendment to the bill (S. 641) to reauthorize the Ryan White CARE Act of 1990, and for other purposes; as follows:

At the appropriate place, insert the following new section:

SEC. . CDC GUIDELINES FOR PREGNANT WOMEN.

(a) REQUIREMENT.—Notwithstanding any other provision of law, a State described in subsection (b) shall, not later than 1 year after the date of enactment of this Act, certify to the Secretary of Health and Human Services that such State has in effect regulations to adopt the guidelines issued by the Centers for Disease Control and Prevention concerning recommendations for immunodeficiency virus counseling and voluntary testing for pregnant women.

(b) APPLICATION OF SECTION.—A State described in this subsection is a State that has—

(1) an HIV seroprevalance among child bearing women during the period beginning on January 1, 1991 and ending on December 31, 1992, of .25 or greater as determined by the Centers for Disease Control and Prevention; or

(2) an estimated number of births to HIV positive women in 1993 of 175 or greater as determined by the Centers for Disease Control and Prevention using 1992 natality statistics.

(c) NONCOMPLIANCE.—If a State does not provide the certification required under subsection (a) within the 1 year period described in such subsection, such State shall not be eligible to receive assistance for HIV counseling and testing under the Public Health Service Act (42 U.S.C. 201 et seq.) until such certification is provided.

(d) ADDITIONAL FUNDS REGARDING WOMEN AND INFANTS.—

(1) IN GENERAL.—If a State described in subsection (b) provides the certification required in subsection (a) and is receiving funds under part B of title XXVI of the Public Health Service Act for a fiscal year, the

Secretary of Health and Human Services may (from the amounts available pursuant to paragraph (3)) make a grant to the State for the fiscal year for the following purposes:

(A) Making available to pregnant women appropriate counseling on HIV disease.

(B) Making available outreach efforts to pregnant women at high risk of HIV who are not currently receiving prenatal care.

(C) Making available to such women testing for such disease.

(D) Offsetting other State costs associated with the implementation of the requirement of subsection (a).

(2) EVALUATION BY INSTITUTE OF MEDICINE.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall request the Institute of Medicine of the National Academy of Sciences to enter into a contract with the Secretary for the purpose of conducting an evaluation of the extent to which grants under paragraph (1) have been effective in preventing the perinatal transmission of the human immunodeficiency virus.

(B) ALTERNATIVE CONTRACT.—If the Institute referred to in subparagraph (A) declines to conduct the evaluation under such subparagraph, the Secretary of Health and Human Services shall carry out such subparagraph through another public or nonprofit private entity.

(C) DATE CERTAIN FOR REPORT.—The Secretary of Health and Human Services shall ensure that, not later than after 2 years after the date of the enactment of this Act, the evaluation required in this paragraph is completed and a report describing the findings made as a result of the evaluation is submitted to the Congress.

(3) FUNDING.—For the purpose of carrying out this subsection, there are authorized to be appropriated $10,000,000 for each of the fiscal years 1996 through 2000. Amounts made available under section 2677 for carrying out this part are not available for carrying out this subsection.

HELMS AMENDMENTS NOS. 1853–1857

Mr. HELMS proposed five amendments to the bill S. 641, supra; as follows:

AMENDMENT NO. 1853

At the end, add the following new section:

SEC. . SPOUSAL NOTIFICATION.

(a) PROHIBITION ON THE USE OF FUNDS.—The Secretary shall not make a grant under this Act to any State or political subdivision of any State, not shall any other funds made available under this Act, be obligated or expended in any State unless such State takes administrative or legislative action to require that a good faith effort shall be made to notify a spouse of an AIDS-infected patient that such AIDS-infected patient is infected with the human immunodeficiency virus.

(b) DEFINITIONS.—As used in this section—

(1) AIDS-INFECTED PATIENT.—The term ''AIDS-infected patient'' means any person who has been diagnosed by a physician or surgeon practicing medicine in such State to be infected with the human immunodeficiency virus.

(2) STATE.—The term ''State'' means a State, the District of Columbia, or any territory of the United States.

(3) SPOUSE.—The term ''spouse'' means a person who is or at any time since December 31, 1976, has been the marriage partner of a person diagnosed as an AIDS-infected patient.

(c) EFFECTIVE DATE.—Subsection (a) shall take effect with respect to a State on January 1 of the calendar year following the first regular session of the legislative body of such State that is convened following the date of enactment of this section.

AMENDMENT NO. 1854

SEC. . PROHIBITIONS AND LIMITATIONS ON THE USE OF FEDERAL FUNDS

(a) PROMOTION OR ENCOURAGEMENT OF CERTAIN ACTIVITIES.—No funds authorized to be appropriated under this Act may be used to promote or encourage, directly or indirectly, homosexuality, or intravenous drug use.

(b) DEFINITION.—As used in subsection (a), the term 'to promote or encourage, directly or indirectly, homosexuality' includes, but is not limited to, affirming homosexuality as natural, normal, or healthy, or, in the process of addressing related 'at risk' issues, affirming in any way that engaging in a homosexual act is desirable, acceptable, or permissible, or, describing in any way techniques of homosexual sex.

AMENDMENT NO. 1855

At the appropriate place, insert the following:

SEC. . Notwithstanding any provisions of this Act, there is authorized to be appropriated for each of the fiscal years 1996 through 2000, amounts that do not exceed the amounts appropriated under this Act in fiscal year 1995.

AMENDEMENT NO. 1856

At the appropriate place, insert the following new section:

SEC. . OPTIONAL PARTICIPATION OF FEDERAL EMPLOYEES IN AIDS TRAINING PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law, a Federal employee may not be required to attend or participate in an AIDS or HIV training program if such employee refuses to consent to such attendance or participation. An employer may not retaliate in any manner against such an employee because of the refusal of such employee to consent to such attendance or participation.

(b) DEFINITION.—As used in subsection (a), the term ''Federal employee'' has the same meaning given the term ''employee'' in section 2105 of title 5, United States Code, and such term shall include members of the armed forces.

AMENDMENT NO. 1857

At the appropriate place, insert the following new section:

SEC. . LIMITATION ON APPROPRIATIONS.

Notwithstanding any other provision of law, the total amounts appropriated for any fiscal year for AIDS and HIV activities may not exceed the total amounts discretionary funds appropriated for such fiscal year for activities relating to cancer.

KASSEBAUM (AND DOMENICI) AMENDMENT NO. 1858

Mrs. KASSEBAUM (for herself and Mr. DOMENICI) proposed an amendment to the bill S. 641, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . PROHIBITION ON PROMOTION OF CERTAIN ACTIVITIES.

Part D of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–71) as amended by section 6, is further amended by adding at the end thereof the following new section:

''SEC. 2678. PROHIBITION ON PROMOTION OF CERTAIN ACTIVITIES.

''None of the funds authorized under this title shall be used to fund AIDS programs, or to develop materials, designed to promote or encourage, directly, intravenous drug use or sexual activity, whether homosexual or heterosexual. Funds authorized under this title may be used to provide medical treatment and support services for individuals with HIV.''.

GRAHAM AMENDMENT NO. 1859

Mrs. KASSEBAUM (for Mr. GRAHAM) proposed an amendment to the bill S. 641, supra; as follows:

On page 41, line 7, strike ''the product of—'' and all that follows through line 15, and insert the following ''an amount equal to the estimated number of living cases of acquired immune deficiency syndrome in the eligible area involved, as determined under subparagraph (C).''.

On page 43, strike lines 1 through 13.

On page 43, line 14, strike ''(E)'' and insert (D)''.

On page 43, line 24, strike ''(F)'' and insert (E)''.

On page 44, line 3, strike the end quotation marks and the second period.

On page 46, line 5, strike ''the product'' and all that follows through line 14, and insert the following ''an amount equal to the estimated number of living cases of acquired immune deficiency syndrome in the eligible area involved, as determined under subparagraph (D).''.

Beginning on page 46, line 17, strike ''means the'' and all that follows through line 8 on page 47, and insert the following: ''means an amount equal to the sum of—

''(i) the estimated number of living cases of acquired immune deficiency syndrome in the State or territory involved, as determined under subparagraph (D); less

''(ii) the estimated number of living cases of acquired immune deficiency syndrome in such State or territory that are within an eligible area (as determined under part A).''.

Beginning on page 48, strike line 1 and all that follows through line 14 on page 49.

On page 49, line 15, strike ''(F)'' and insert (E)''.

On page 49, line 19, strike ''(G)'' and insert (F)''.

On page 50, line 4, strike ''(H)'' and insert (G)''.

On page 53, between lines 20 and 21, insert the following new section:

SEC. 7. STUDY ON ALLOTMENT FORMULA.

(a) STUDY.—The Secretary of Health and Human Services (hereafter referred to in this section as the ''Secretary'') shall enter into a contract with a public or nonprofit private entity, subject to subsection (b), for the purpose of conducting a study or studies concerning the statutory formulas under which funds made available under part A or B of title XXVI of the Public Health Service Act are allocated among eligible areas (in the case of grants under part A) and States and territories (in the case of grants under part B). Such study or studies shall include—

(1) an assessment of the degree to which each such formula allocates funds according to the respective needs of eligible areas, State, and territories;

(2) an assessment of the validity and relevance of the factors currently included in each such formula;

(3) in the case of the formula under part A, an assessment of the degree to which the formula reflects the relative costs of providing services under such title XXVI within eligible areas;

(4) in the case of the formula under part B, an assessment of the degree to which the formula reflects the relative costs of providing services under such title XXVI within eligible States and territories; and

(5) any other information that would contribute to a thorough assessment of the appropriateness of the current formulas.

(b) NATIONAL ACADEMY OF SCIENCES.—The Secretary shall request the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study described in such subsection. If such Academy declines to conduct the study, the Secretary shall carry out such subsection through another public or nonprofit private entity.

(c) REPORT.—The Secretary shall ensure that not later than 6 months after the date of enactment of this Act, the study required under subsection (a) is completed and a report describing the findings made as a result of such study is submitted to the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

(d) CONSULTATION.—The entity preparing the report required under subsection (c), shall consult with the Comptroller General of the United States. The Comptroller General shall review the study after its transmittal to the committees described in subsection (c) and within 3 months make appropriate recommendations concerning such report to such committees.

On page 53, line 21, strike ''7'' and insert ''8''.

KASSEBAUM AMENDMENT NO. 1860

(Ordered to lie on the table.)

Mrs. KASSEBAUM submitted an amendment intended to be proposed by her to the bill S. 641, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . LIMITATION ON APPROPRIATIONS.

Notwithstanding any other provision of law, the total amounts of Federal funds expended in any fiscal year for AIDS and HIV activities may not exceed the total amounts expended in such fiscal year for activities related to cancer.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources to discuss leasing of the Arctic oil reserve located on the coastal plain of the Arctic National Wildlife Refuge for oil and gas exploration and production and the inclusion of the leasing revenues in the Budget Reconciliation.

The hearing will take place on Wednesday, August 2, 1995, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Andrew Lundquist at (202) 224–6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, July 26, 1995, at 9:30 a.m. in executive session, to discuss certain pending military nominations.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Wednesday, July 26, 1995, session of the Senate for the purpose of conducting a hearing on the authorization of the Maritime Security Program.

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

COMMITTEE ON FINANCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet Wednesday, July 26, 1995, beginning at 2:30 p.m. in room SD–215, to conduct a hearing on new directions in Medicare.

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

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, July 26, 1995, at 9:30 a.m. to hold a hearing on Punitive Damages: FDA Defense.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a forum for the ADA anniversary, during the session of the Senate on Wednesday, July 26, 1995, at 2 p.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, July 26, 1995, at 2 p.m. to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON POST OFFICE AND CIVIL SERVICE

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Post Office and Civil Service, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, July 26, 1995, to receive the annual report of the Postmaster General of the United States.

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

ADDITIONAL STATEMENTS

ADDRESS BY SENATOR KENNEDY TO THE UNITED NATIONS INTERNATIONAL SYMPOSIUM ON INTELLECTUAL DISABILITY

● Mr. HARKIN. Mr. President, it is a privilege for me to bring to the attention of Members of Congress and the country the address made last month by our friend and colleague, Senator KENNEDY, to the International Symposium on Intellectual Disability held at the United Nations in New York City. Once again, Senator KENNEDY has made a valuable contribution to international cooperation and progress on the wide range of issues relating to mental retardation. His words give us hope and move us forward.

Senator KENNEDY has served the people of Massachusetts and the United States for more than 30 years in the Senate. During this time, he has been a champion of social justice for all Americans and for citizens of many other lands, especially for people with disabilities. He is committed to the fundamental principle that all individuals deserve support in achieving their true potential and living with dignity. Senator KENNEDY does not just talk about these issues—he acts. And when others are tired and demoralized, he perseveres. He is a courageous advocate and an effective leader, and I commend him for the impressive difference he has made on these vital issues.

I hope that Members of Congress and many others will take the time to read Senator KENNEDY's address about the remarkable progress that is being made in the world community to improve the lives of people with mental retardation, and the even more remarkable progress that is likely to be achieved in the years ahead if all of us persevere. We have made great strides in recent years, but there is still much more to be done. Senator KENNEDY's address helps to light the way, and I ask that the full text of his address may be printed at this point in the RECORD.

The text follows:

ADDRESS OF SENATOR EDWARD M. KENNEDY: ''FROM DISABILITY TO CAPABILITY''

It is an honor and privilege to be invited here today to speak at this hallowed place that holds the hope of the world for peace, and to participate in this auspicious international symposium on an issue that has been a central focus of my life and my family's life.

For almost as long as I can remember, my family has had a commitment to people with mental retardation and all people with disabilities. So, I am especially inspired by the many leaders from many nations who have come together here to pool their knowledge and strengthen their dedication to this great cause we share. And I welcome the contribution that this Symposium will make to helping people with mental retardation throughout the world.

I thank a great friend and great statesman, Lowell Weicker, for his generous introduction. I never know whether to call him Senator or Governor.

In his Senate years, he was a brilliant colleague in the trenches and on the mountaintops for our cause, and a stalwart champion of equal opportunity and civil rights for all citizens, especially people with disabilities. As a Senator, as the Governor of Connecticut, and most of all as a loving parent, he has been a powerful and compassionate leader on issues of mental retardation. I commend him for his years of tireless achievement, including his remarkable leadership

this year in chairing the 1995 Special Olympics World Games.

I also thank the several sponsors of the Symposium for making this dream of international cooperation a reality—the National Institute of Child Health and Human Development at the National Institutes of Health, the Joseph P. Kennedy, Jr. Foundation, the 1995 Special Olympics World Games, and most of all, the United Nations and its Secretary General, Boutros Boutros-Ghali. These organizations and the leaders associated with them have made extraordinary contributions to the field of mental retardation and have helped improve the lives of millions of individuals and families in many different lands.

I would like to talk for just a moment about one of those organizations which is particularly close to me. My sister Eunice and her husband Sargent Shriver have guided the Special Olympics since its founding in 1968, when they began these very special games in their own backyard for the benefit of 10 children with mental retardation.

From that modest start, a worldwide enterprise has grown. The 1995 Special Olympics World Games that began this week in New Haven has drawn 7,200 athletes and 2,500 coaches from 140 countries. In the United States, 400,000 children and young adults with mental retardation, 100,000 volunteers, and half a million spectators participated in the various local and state games that were held this year leading up to the current world games.

The Special Olympics stand as a vivid example of the achievements that are possible when we focus not on disability, but on capability. As the games have demonstrated, people with mental retardation can reach their potential, if only they have the chance and the appropriate encouragement and support.

The remarkable growth of the Special Olympics is a tribute to the vision and dedication of two very special people and the love they have for those with mental retardation everywhere. Eunice and Sarge, we thank you.

For centuries, the institutions of our societies—governments, schools, places of worship, professional organizations, social gathering places, and the world of commerce—all these institutions shut their doors to people with mental retardation. Most of society felt that non-disabled people had little to learn from people with disabilities, and vice versa.

Even when the closed doors finally began to open, people with mental retardation were often seen as objects of pity. The new approach of so-called ''enlightened'' society was to protect people with retardation from themselves, protect them from society, protect them from even the most ordinary challenges of daily living. As we know now, that approach may have been somewhat less unenlightened than before, but no one should have called it enlightened.

Just 30 years ago, over half of the 250,000 public school districts in the United States denied a place for children with severe mental retardation. State-operated institutions, with over 200,000 residents, were the primary housing option—but it was warehousing, not housing.

Concepts such as employment and self-sufficiency were called ''revolutionary.'' The few laws then in effect to protect citizens with mental retardation, while well-meaning, also ''protected'' them from having a job, from living at home, from choosing their friends, and from sharing in the opportunities and challenges of life.

We created systems of separate living, separate transportation, separate communication, separate recreation, and separate education—separate and out of sight. Rarely was it even dreamed that less protection and more assistance could enable people with mental retardation to become valued members of society.

Beginning with President Kennedy's New Frontier in the United States, a peaceful revolution toward independent living and community-based support was launched and continues to this day. Gradually, we moved away from the paternalism and protectionism that characterized public attitudes and government policies toward people with mental retardation. Old approaches such as institutionalization came to be seen as outdated policies that fail to adequately recognize the true value of human potential. People with mental retardation began to be thought of for what they are—real people with real talents capable of meeting and mastering real challenges.

As a result of this peaceful revolution, more and more citizens with mental retardation moved out of the back wards of institutions and into group homes and supported living. They moved from sheltered workshops to supported employment. They moved from being treated as perpetual children to becoming citizens who vote. They moved from classrooms in the basement to full inclusion in regular schools. They moved from tax dependency to tax payers. Through participation in education, employment, and may other aspects of community life, people with mental retardation moved into the mainstream—and we are all benefiting.

Empowerment is one of those words in common use today that means different things to different people. When we talk of empowerment for our fellow citizens with disabilities, including mental retardation, we mean movement toward independence, productivity, and integration. Independence means a level of control and choice over their life. Productivity means active participation in the workforce and genuine contribution to a family or community. Integration means developing real relationships with members of the community, utilizing the same community resources available to everyone else, and living in homes located in the community.

That sense of empowerment has been the theoretical goal of the world community since the passage of the U.N. Declaration on the Rights of Mentally Retarded Persons in 1971. That high purpose was re-stated in the Standard Rules on the Equalization of Opportunities for Persons with Disabilities adopted by the United Nations in 1993. It is time—time now—to issue a new call to action, so that in re-affirming that goal and these vital principles, we also re-commit ourselves to moving faster from theory to practice.

This International Symposium is an essential and rare opportunity not only to share what we know, but also to shape what we do. It is a unique chance for nations, non-governmental organizations and public and private leaders throughout the world to come together to discuss the ways and means of imbuing families, schools, workplaces, communities, and whole nations with the energies and talents of people with mental retardation.

This Symposium is a forum to enable government officials, policy makers, and advocates to compare recent successes, to discuss the role of government and every other institution of society in the empowerment of people with mental retardation, and to develop sensible plans for moving forward.

By committing ourselves to action, by sharing state-of-the-art knowledge about which laws are effective and which program models can be implemented across national borders or even worldwide, we can bring renewed spirit and deeper understanding to the drive for progress in our own countries.

It is my hope that this Symposium will strive to make empowerment not just a slogan but a reality in the daily lives of people with mental retardation everywhere. Planning takes vision, and action takes courage—may we have both as we participate in this Symposium.

The kind of real social progress we seek is inspired, initiated, and implemented by three sources: governments, the advocacy community, and individuals. Each of these sources is essential, and their efforts are often linked. The successes of one are made possible by the support and actions of the others.

In some societies, government leads the way and community-based organizations and individuals work to implement the policies it enacts. In other societies, the people lead, and the government struggles to catch up. In all cases, as real partnership emerges, real progress occurs.

The important point is that governments at all levels, organizations of all kinds, and individuals of all abilities must be actively engaged in bringing about the changes necessary to empower people with mental retardation. As an African proverb holds, ''It takes a village to raise a child.'' A village can be a small town, a large city, a nation, or the entire world. It takes a community to make the promise of empowerment a reality in the daily lives of people with disabilities.

THE ROLE OF GOVERNMENT

I would like to talk now especially about the role of governments, not because it is the most important, but because it is the most familiar to me. As President Kennedy said of government on America's Independence Day, 33 years ago:

''The greatest works of our nation's founders lay not in the documents and declarations, but in creative, determined action. Others may confine themselves to debate, discussion and that ultimate luxury, free advice. Our responsibility is one of decision, for to govern is to choose.''

Government has two basic functions to perform in meeting the needs of people with mental retardation. First, it must protect fundamental rights and freedoms. This means assuring people with mental retardation the right to participate in all aspects of life, free from injustice and invidious discrimination. Ensuring these fundamental rights of citizenship is the unique function of government.

The second basic role of government is the development and support of programs and services to enable people with mental retardation to become more productive and fulfilled citizens, especially when other avenues fail.

No society can afford to waste the energy and talent of any of its citizens, whether the waste results from irrational fear, ignorance, or a misguided sense of paternalism.

The United States and many other countries have passed specific laws in recent decades to advance that goal. Our country passed a landmark Civil Rights Act in 1964, to assure the rights of African Americans and other minorities to participate equally in all aspects of American life. This law, and the rights it guaranteed, were not easily enacted. But they have stood the test of time and have made the United States a stronger and better nation. In a similar way, South Africa is currently building a multi-ethnic state by tearing down the walls of apartheid.

In 1973, the United States passed a further law to prohibit discrimination against people with disabilities in any activity that receives federal financial assistance. Other U.S. laws were enacted to protect children with disabilities, to protect the rights of the institutionalized, and to protect the right of

people with disabilities to fair treatment in housing. But despite these advances, many people with disabilities remained unprotected from unjust treatment in the workplace, in public accommodations, in transportation, and in many state and local activities and services.

In 1990, all of that changed with the enactment of the Americans With Disabilities Act, which was truly an emancipation proclamation for our 49 million citizens with disabilities. Through its broad prohibitions on discrimination, that law is already making it possible for people with disabilities, including mental retardation, to lead more fulfilling and productive lives. It is our first nationwide law protecting the fundamental rights of all people with disabilities in all aspects of life.

Its passage was intended to clearly and unequivocally eliminate the major barriers to their full participation in society, and it has become a catalyst for action in other lands. Australia and New Zealand have already enacted similar legislation. Great Britain and Israel are considering such laws, and Germany, Sweden, Japan, Ireland and the Czech Republic have come to the United States to gather information for action. It is just this kind of international cooperation we hoped would occur, and is what motivated us to write to world leaders to encourage them to build on this breakthrough.

In addition to guarantees of basic civil rights, access to education is a hallmark of a free society. It also is one of the most basic services that government can provide to advance the integration and independence of people with disabilities. In 1975, we in Congress passed legislation called the Education for All Handicapped Children Act, now known as the Individuals with Disabilities Education Act, to guarantee a free, appropriate public education to every child with a disability. Children with mental retardation were the principal beneficiaries of this law, because they constituted the largest group of children with disabilities who had previously been shut out of public schools.

In the United States, this law made it increasingly possible for children with and without disabilities to interact with one another and learn from one another on a daily basis. Our work has only just begun. Even today, only seven in every hundred students with mental retardation in the United States spend their entire school day in classrooms with other children from their neighborhoods. Eleven out of every hundred have no access at all to their community schools, and attend special schools instead. Nevertheless, educating all children, regardless of disability, in the least restrictive environment is now an accepted standard throughout the United States.

Enabling children and young adults with mental retardation to participate in regular, public education is not just a priority in the United States. Italy was the first country to work toward mainstreaming students with special needs. Over the past decade, Alvaro Marchasi, the Minister of State for Education in Spain, has led an effort to make all schools in Spain accessible to all children, including those with disabilities and mental retardation.

This effort inspired last year's UNESCO conference on inclusive education, which provided a framework for integrating children with special needs into education systems worldwide.

These examples are not limited to large wealthy nations. The small country of Lesotho has launched a pilot project to integrate every child with a disability into regular schools in all towns and villages.

I hope that we can agree here that every country has an obligation to do all it can to educate all its children, including those with mental retardation and other disabilities, in a manner that enables them to learn and grow from each other, regardless of ability or disability. It is possible. It is practical. It is essential. And it is also cost-effective.

Governments everywhere must take concerted action to ensure access to education, employment, and housing opportunities, and to provide the supportive services that enable people with mental retardation to reach their full potential.

We know, for example, that assuring basic necessities can reduce the incidence of mental retardation by 50 percent. We know that fetal malnutrition causes brain damage. Yet millions of pregnant women go hungry every day. How long will the world community pay the price?

We know that immunization works. Yet vast numbers of children around the world are at high risk for diseases that cause mental retardation. How long will the world community pay the price?

We know that environmental toxins—from industry, from pesticides, from lead, from lack of sanitation—are all creating birth defects and learning disabilities. How long will the world community pay the price? Governments can make the difference. Governments must act.

THE ROLE OF ORGANIZATIONS, FAMILIES AND INDIVIDUALS

But even if government action establishes the legal foundation for such progress—for independence and integration—government action alone will never be enough. The passage of wise laws does not guarantee effective implementation or vigorous enforcement. To achieve real and lasting progress, myths must be fought and attitudes must be changed. It is the role of committed, persistent and unwavering advocacy organizations, families, and individuals with and without disabilities to keep the pressure on, and ensure that the words of the law become a reality in people's lives.

With the worldwide revolution of community-based services and community-based support for people with developmental disabilities, communication between service organizations has never been easier or more important. The same can be said for organizations which represent researchers, families, and people with mental retardation.

Non-governmental organizations are increasingly working together to improve service, support and research. We must continue to involve all of these organizations to develop better worldwide strategies. The United Nations is the logical place to come together, and I hope that our coming together here and now will lead to more and better collaboration in the future.

We know the valuable contribution made by professionals, from biomedical researchers discovering new miracles of science, to teachers developing new methods of educating and training, to community leaders providing new generations of services.

The International Association for the Scientific Study of Mental Deficiency has brought together professionals from a wide range of disciplines to examine the most promising research to improve the lives of persons with mental retardation and their families.

We know the brilliant achievement that the past generation made possible through mass screening and an alternative diet for those with PKU. It is one of the great stories of medical history, and it was achieved through international research and cooperation. Today, a simple three-cent test can prevent PKU retardation at birth, and save hundreds of thousands of dollars in later costs for care and treatment.

Through international cooperation, a research team has demonstrated a simple and cost effective way to prevent another well-known cause of mental retardation, spina bifida. By discovering the protective role of folic acid in early stages of pregnancy, a joint team from the United States and Ireland worked together to bring this amazing research to fruition.

In most of the world, parents of people with mental retardation are the driving force for supporting such research, creating beneficial programs, and moving government policies ahead for the benefit of their affected sons and daughters. Through Inclusion International, parent organizations around the world have come together to learn from one another, and learn how governments can provide the services and supports they need. They have shared ideas and information and made strong cases for basic rights and effective services.

These efforts will lead to improved lives for people with mental retardation—but only if we, as public policy makers, hear what they are saying, and turn their ideas and information into meaningful action and assistance. Too often, we fail by default or inaction. Our challenge is to take their powerful and persistent words and ideas and turn them into a reality for those with mental retardation.

Among the newest type of organizations addressing disability issues are the international self-advocacy organizations. They have many different names, but they are generally known as ''People First'' in much of the world, and as ''Self-Advocates Becoming Empowered'' in the United States.

Like so many others before them, persons with mental retardation have begun to join together in these organizations to speak out for their rights and needs. For the first time, these formerly left-out citizens are taking their place at the conference tables of organizations planning their future. International bodies and national and local governments need to listen and communicate with these self-advocate organizations in ways which recognize their need for direct, clear discussion and involvement in the issues.

Today, as never before, people with mental retardation are redefining and reshaping their own interests. Who better can articulate what it feels like to be senselessly defined only by a disability, and not as a total human being? Who better can condemn the effects of misguided private attitudes and public policies? Who better can demonstrate the remarkable potential of programs that empower, rather than entrap?

Sweden is the country which has advanced the concept of self-advocacy the most in recent years. It has over 1,200 associations of people with disabilities, and approximately 400,000 members. The Swedish movement consists to a high degree of organizations of, and not for, people with disabilities. They are led to a large extent by people with disabilities themselves. In the last few years they have come to function as successful pressure groups in many communities. Self-advocates have much to teach us about effective legislation, policy and programs. We must do more to listen and learn from them.

People with mental retardation should be included in all decisions that affect them—no ifs, ands, or buts. The board of every organization should have substantial representatives of the people to be served. Every government commission, whether advisory or executive, should include people who are directly affected by policy decisions.

The work of these organizations has brought a surge of progress throughout the world in the movement from isolation and exclusion to integration and inclusion. In

the Czech Republic, there is growing use of community residences for people with mental retardation, and equally growing use of supported employment. The supports which exist there to help all workers in acquiring and keeping a job are now also being used to help people with intellectual disabilities enter the workforce. There are now more than eight community residential programs in the greater Prague area, thanks to the growing parent movement there.

In Poland, a pilot project in Lublin is testing a decentralized system for supporting people with mental retardation, relying on local government and individual citizens to develop needed services and support.

As in so many other movements for social change, individuals are often the most effective catalysts for change. As Margaret Mead said, ''Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever does.'' We all benefit when everyone can contribute to their communities. In this effort, we all have a vital individual role to play.

We must work more closely with other institutions—especially schools, places of worship, and neighborhood associations—to welcome persons with disabilities as partners, including people with mental retardation. They have much to give. As we move from seeing them as objects of charity to people with gifts and talents to share, we will open our hearts and minds as well to the extraordinary diversity they bring to our common humanity.

Over the past two decades, there has also been an increasing trend toward the use of less specialized and less technical people in the networks of support for people with disabilities. The real strength of these less specialized people lies not in their expertise, but in their ability to relate to, communicate with, and motivate people with mental retardation and other disabilities.

Kindergarten students can be ideal companions. Elderly volunteers can be mentors and friends. Religious leaders, social service providers, employers, co-workers, teachers, neighbors, friends—all can find effective roles, if only they have the will to try.

In the United States, a government-funded program supports people with disabilities in finding jobs. The Vocational Rehabilitation Act provides hands-on support directly on the job. Usually, this support is provided by outside personnel, but it can also be performed by a co-worker. The idea that a worker in a factory or an office can provide the necessary support for a person with a disability was once dismissed as impossible. It reminds me of a familiar saying a century ago—''It is as impossible as flying.''

But it is happening today. The true visionaries—the parents and families of people with disabilities—knew that it was possible. The result is that tens of thousands of people with disabilities are now gainfully employed, earning pay checks and paying taxes. ''The difficult we do immediately; the impossible takes a little longer.''

More and more communities are coming to accept and include people with mental retardation as a result of all these inspiring efforts. The late Rosemary Dybwad often told a story from the International Congress in 1983 in Kenya. A group of people with mental retardation, some of whom had been confined to state institutions for thirty years, had told the participants in that Congress about their own ideas and recommendations for the future. In a challenge to all of us, Rosemary asked eloquently:

''If that can be done in a multi-national, multi-language, multi-racial international meeting, why is it not done in your community? And if it isn't, what can you, your friends, your organization, do to help persons with severe disabilities to represent themselves adequately, and to participate in community affairs? What will we do to translate this into action? Faith and works, I believe, are the words to remember.''

In closing, I would leave you with five thoughts as a call to action. First and most important, the essence of reform in the field of mental retardation is an abiding respect for the person. We are talking about citizens rather than recipients. Let us never lose sight of the person in the policy.

Second, we must seize the moment and learn to move ideas more rapidly into practice. We live in an information age, and the information revolution can be a powerful source of positive social change. No one has to reinvent the wheel in any nation. At the speed of light and the click of a mouse, a practical idea being implemented in the morning in New York can be tested in the afternoon in New Delhi.

Third, governments should pledge to play more of a leadership role by moving at all levels to commit themselves to the three empowerment principles—independence, productivity, and inclusion. No longer can people with mental retardation be treated as second class citizens. The global community can no longer afford the cost of such prejudice and exclusion.

Fourth, individuals everywhere must play a part in ensuring that people with mental retardation have a fair chance to participate in all aspects of life. I ask all of you at this symposium—legislators, government officials, experts in research, practitioners, teachers, family members, persons with mental retardation, friends and media—to join in a new commitment to action.

Finally, above all, individuals with mental retardation and their families must be intimately involved as active participants in designing policies and implementing programs to meet their needs.

To open the White House Conference on Mental Retardation in 1963, President Kennedy spoke words that are equally applicable today:

''We have left behind prejudice, superstition and ignorance which since the dawn of time distorted our thinking. We have entered a new era of understanding, hope, and enlightenment. We are on the threshold of an exciting and great achievement which is a tribute to the skills and devotions of thousands of dedicated scientists, professional persons, and public and private citizens.''

My brother made an enormous difference on these issues in the United States when, as head of state, he personally gave voice and leadership to this cause. May each of your own heads of state be encouraged by this symposium to make that kind of difference too.

Achieving true and lasting social change is never easy. It requires strength and persistence, courage and vision. We have come far in our journey to empower people with disabilities in our own countries and around the world. My wish is this—may this Symposium be a bright milestone on that journey. May what is imparted here accelerate all our efforts, so that years from now, when we look back, we can truly say, this is where it all began anew.

A story from India that I came across not long ago makes my concluding point most vividly. An old man walking along the beach at dawn saw a young woman picking up starfish and throwing them out to sea. ''Why are you doing that,'' the old man inquired. The young woman explained that the starfish had been stranded by the tide on the beach, and would soon die in the morning sun. ''But the beach goes on for miles,'' the old man said, ''and there are so many starfish. How can your effort make any difference?'' The young woman looked at the starfish in her hand, and then threw it to safety into the sea. ''It makes a difference to this one,'' she said.

Thank you for inviting me here, and thank you for the difference that all of you are making.●

TRIBUTE TO GEORGE F. COURTOVICH

● Mr. SMITH. Mr. President, I rise today to pay tribute to George F. Courtovich of Stratham, NH. George passed away suddenly on May 21, 1995, at the age of 33.

George was a great American. Although his was not a name that would be nationally recognized, George Courtovich was great because of the way in which he lived and influenced the lives of so many. He lived his life to the fullest and gave of himself to the community in numerous ways. Most notable was his volunteer work for the Stratham Fire Department where he was a member of the EMT rescue squad.

George left his parents, Dorothy and George, his brother, Jim, and his wife, Debra, and daughter, Colleen, much too early. He will be missed by his family, his friends, his colleagues, those whose lives he saved through his EMT work, the elderly in the community to whom he delivered meals on weekends, and those he taught to enjoy the sport of skiing while an instructor at Loon Mountain. George touched many lives and embodied what is best about the American spirit. He has left this world for a new one, and though he is no longer with us, we are all enriched for having known him.

The celebration of George's life was poignantly related by his brother Jim at the funeral service on May 24, 1995 at St. Michael's Church in Exeter, NH. Mr. President, I ask that the text of the eulogy be reprinted in the RECORD.

The eulogy follows:

EULOGY GIVEN BY JAMES C. COURTOVICH

Today we come to celebrate the life of George Courtovich, my brother, my best friend. George had many qualities, but none stronger than the love he had for his family, friends, and even strangers. George enjoyed life to the fullest, and more importantly, he wanted everyone to enjoy it with him. He made it easier for us to do so.

George answered the call—whether as a volunteer fire fighter, friend, neighbor, brother, son, father or husband—he was there to help. He believed that we were here to leave this place better than we found it. George did.

On Thanksgivings, before joining my parents and other family members, George prepared and delivered dinners for people for whom the day would have been nothing special otherwise. His reward was, as in many instances, knowing he helped make someone's day a little better.

It is hard to quantify all of the good George did, as he was able to bring people together, help a neighbor, be a supportive family member in a way that would leave people grateful but not obligated—sometimes not knowing until later what George had done for them. I wish I could talk to all the people

whom George helped as a volunteer E.M.T., but I know there were many. I wish I could go back and find all of his friends he helped along the way, but I know there were many. I just know, however, that no matter where George was, he helped.

I remember running into George the day I was leaving for a ski weekend. George spotted my attire and shabby skis. For all of you who were close to George, you know this was unacceptable to him and off we went to a ski store—and we shopped like only George could—he was standing at the fore, directing three salesmen in eight directions ensuring that I arrived at the mountain outfitted for an Olympic tryout. As he paid, George looked at me and said he could not let me go skiing looking like I would have because it might have hurt his image on the slopes. He didn't fool me, I knew he was helping me, like he had so many times before. That was classic George.

To understand George's love of family, you need look only at the walls of his and Debbie's home, where Norman Rockwell's four Freedoms hang. Freedom from Want hangs over the dining room table, Freedom of Speech and Freedom to Worship are in the living room, and Freedom from Fear watches over Colleen's crib. This is how George wanted life to be, for all of us. This is what George strived for. He helped us all get one step closer to Rockwell's world.

George brought Debbie, and they together, Colleen into our lives. They have made us stronger and richer. Deb, you are the sister I never had. You brought George so much happiness and joy. We take great comfort in knowing you have been part of George's life and have made it better—as you have done for all of us.

Mom and Dad, you stood by George and helped him along the way. You were always there for him, as you are for me. Just by moving no further than a few miles from you shows the love he had for the both of you. Your commitment to him was clear, your love, unquestioned.

My Grandmother, of course, has been here for all of us. We know this is especially hard on you, but we can all rest easier knowing George is with our grandfather now. Together, with our many other beloved relatives, they are watching over us.

And to all of you who have come to express your support and sympathy, our family appreciates everything you have done for us. We know that this is a tragedy we all share in and will need each other to get through it. Just knowing that there are so many of you there, comforts us greatly.

Today we have come to say good-bye to my brother, my best friend. Today we will leave here with George in all of us; he will live on in our memories and our hearts forever. George, we love you.●

ORDERS FOR THURSDAY, JULY 27, 1995

Mrs. KASSEBAUM. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:15 a.m., on Thursday, July 27, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then immediately resume S. 641, the Ryan White bill, with Senator REID to be recognized, as under the previous order.

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

PROGRAM

Mrs. KASSEBAUM. For the information of all Senators, the Senate will resume consideration of the Ryan White bill tomorrow at 9:15. Under the consent agreement, if both amendments regarding FDA are offered and all debate time is consumed, Senators can anticipate a series of consecutive rollcall votes beginning at approximately 11 a.m, Thursday.

Members should also be aware if the FDA issue is resolved earlier, then a series of stacked rollcall votes may occur as early as 9:30 a.m., on Thursday.

RECESS UNTIL 9:15 A.M. TOMORROW

Mrs. KASSEBAUM. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 8:01 p.m., recessed until Thursday, July 27, 1995, at 9:15 a.m.

EXTENSIONS OF REMARKS

TRIBUTE TO AFRICAN-AMERICAN WORLD WAR II VETERANS ON THE 47TH ANNIVERSARY OF PRESIDENT TRUMAN'S SIGNING OF EXECUTIVE ORDER 9981

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. RANGEL. Mr. Speaker, July 26, 1995 marks the 47th anniversary of President Harry S. Truman's signing of Executive Order 9981, officially desegregating the U.S. military. I rise to pay special tribute and to extend my profound gratitude not only to President Truman but to the African-American men and women who served in World War II and whose exemplary service made the President's action all but inevitable, as President Clinton reminded us in his courageous stand in defense of affirmative action. The military institution that grew out of that executive order became the model for the society as a whole. The U.S. military is our finest example of equality, opportunity, upward mobility, and full inclusion in our social institutions.

As chairman of the Congressional Black Caucus veterans braintrust and a Korean war veteran, I want to express my sincere appreciation for the dedication of those men and women who fought for democracy abroad against the Nation's common enemy and returned home to battle racism and discrimination. During the war, this duality was signified by black troops as the double ''V'' campaign.

Last year following the 50th anniversary commemoration of the Normandy invasion, I heard many complaints from African-American veterans, including my constituents in New York. In all of the pageantry, in all of the television coverage, it seemed they had been left out. I took the matter up with President Clinton and Secretary Jesse Brown. The result was President Clinton's participation in a Presidential tribute where he delivered a moving speech during the 24th Annual Congressional Black Caucus legislative weekend. The President's appearance was coordinated by the CBC veterans braintrust, as part of a special tribute entitled ''D-Day and World War II African-American Veterans: The Forgotten Heroes and Heroines.''

The tribute honored the 1 million African-American men and women in uniform during the war, including the nearly 750,000 who served overseas in Europe and the Pacific. The President's decision to attend the veterans braintrust event was an honor that cannot be ignored or forgotten.

The President was joined at the event by Secretary Jesse Brown, and CBC members: SANFORD BISHOP, JR., BOBBY RUSH, MAXINE WATERS, CORRINE BROWN, JAMES CLYBURN, KWEISE MFUME, former Congressman Charles Diggs, and was witnessed by a capacity audience in the Ways and Means Committee room.

President Clinton described the African-American World War II veterans as ''a distinguished generation in the history of African-American military service.'' As a group, he said they were protectors ''of a legacy older than the Declaration of Independence; one that includes the legendary service of the Massachusetts 54th in our Civil War, the Buffalo Soldiers in the West, the 92d Division in World War I.''

The President continued, ''For decades, African-American veterans were missing in our Nation's memories of World War II. For too long, you were soldiers in the shadows, forgotten heroes. Today it should be clear to all of you, you are forgotten no more.''

While African-American veterans fought and died under the stigma of segregation, one thing is clear: their heroic contributions in WWII marked the beginning of the end of segregated America. The bottom line is that the brilliance of their performance in the war forced President Truman to sign Executive Order 9981, on July 26, 1948, ending the practice of segregation in the military. The performance of African-Americans in World War II sowed the seeds that ultimately forced the Federal Government to reexamine its policies on race and stimulated African-Americans to greater activism in demanding their rights.

The Presidential awards ceremony honored outstanding World War II African-American veterans associations, units, and individuals who served with distinction, as well as historical organizations who continue to educate the public on the role and contribution of African-Americans in World War II.

Sixty awards were presented to the following honorees: Montford Point Marines Association, Prometheans, 715th Veterans Association, U.S.S. Mason (DE 529) Association, 366th Veterans Association, Black Women Army Auxiliary Corp./Women Army Corp. & Women in the Services, 372nd Infantry Association, 758th/64th Armored Regiment Association, 92nd Infantry Division Association, 761st Tank Battalion & Allied Veterans Association, 366th Veterans Association, Tuskegee Airmen, Inc., World War II Black Veterans of the Great Lakes, U.S. Coast Guard National Association of Former Stewards & Stewardmates, Inc., 555th Parachute Infantry Association, 369th Veterans Association, the Golden Thirteen, the 5th Platoons and the Red Ball Express, Dr. Paul Parks, Sr., Waverly Woodson Jr., SSgt. Monroe Blackwell, Willie Woods, Claude Owens, Rev. Elmer Fowler, Charity Adams-Earley, Dr. Martha Putney, Lt. Col. Julius Williams, Gladestone Dale, Dr. Leroy Ramsey, Donald Eaton, Jr., Samuel Phillips, Alonzo Swann, Captain Hugh Mulzac (Posthumously), Leroy Colston, Major Nancy Leftentant-Colon, Clark Simmons, Dr. Robert Allen, Robert Routh, Lt. Col. Jesse Johnson, Jacob Johnson III, Dr. Emerson Emory, Dr. Charles Pinderhughes, Samuel Mildrew, Captain David Williams, Sr., 1st Lt. Prudence Burns Burrell, Lt. Col. Bradley Biggs, Major Augustus Hamilton, John Carter, James Dockery, Dr. Howard Mitchell, Charles Evers, Dr. Roscoe Brown, Percy Sutton, Daisy Winifred Byrd-Beldon, Jean Byrd Stewart, Col. Margaret Bailey, Edna Young Shannon, Dr. Olivia Hooker, Dr. Howard Mitchell, SSgt. Robert Powell, John Silveria, Dr. John Garrett, World War II Heritage Commission, Committee for the Aviation Mural Project Success, and Black Military History Institute of America.

Again, on behalf of a grateful nation, I speak for the Congressional Black Caucus in expressing our deep appreciation for the contributions, dedication, commitment, and national service of the African-American men and women who served in World War II. Their job was done well, and will forever be remembered.

HONORING GILBERT RONSTADT

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. PASTOR. Mr. Speaker, many knew Gilbert Ronstadt only as Linda Rondstadt's father. However, those who knew him well remember him as a man who embodied the values of love of country, family, and community.

Born in 1911, before Arizona had become a State, Gilbert Rondstadt devoted his energies to helping shape Tucson into the vibrant and expanding city it is today. As a young man, he entertained many in his native town with his wonderful voice by singing on the radio, in nightclubs and theater stages around town. His love for mariachi music lived on in his family and was later immortalized through his daughter's now famous ''Canciones De Mi Padre'' album.

After serving his country during World War II, he returned to Tucson to head the family hardware business. Throughout his life, his family responsibilities always received a high priority. Gilbert Rondstadt also showed a strong devotion for his community and its cultural heritage. He actively participated in the development and revitalization of downtown Tucson and served on numerous boards, including the Chamber of Commerce, the Tucson Trade Bureau, and the Arizona State Society. He was also active in helping establish trade relations between Mexico and the United States.

An unassuming and simple man, Gilbert Rondstadt will be remembered in the community for his selflessness, the longlasting impact of his work in the community, and his farreaching pride in his culture and traditions. He leaves behind a legacy of goodwill and inspiration for those who choose the pillars of service and family as their sources of happiness. I ask my colleagues to join me in honoring the memory of a great man.

AWARD OF A BROWNFIELDS GRANT TO CITY OF TRENTON, NJ

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. SMITH of New Jersey. Mr. Chairman, I am pleased that Trenton was today awarded 1 of 15 Brownfields pilot grants by the U.S. Environmental Protection Agency [EPA]. The Trenton community truly deserves this Federal recognition and financial support for all the hard work we have done to identify and clean up hazardous wastes left over from the city's industrial heyday.

Trenton has the spirit, the commitment, and a detailed plan for restoring these sites and making them available for alternative uses. In fact, over the past several years, the city has committed funds and other resources to identify contamination, develop plans for remediation, and redevelop abandoned lots. But our city has lacked the appropriate financial means to make these assets fully effective. The Brownfields Program will provide the city with that funding assistance and propel our initial program to final success.

The Brownfields project which Trenton has developed will put the $200,000 Federal grant to good use. The city has enlisted the help of several civic organizations, State government, and community residents to devise their program and intends to call on them to implement it as well.

The city will employ a strategy to incorporate the resources of established community urban beautification and environmental justice programs, as well as the expertise of local legal, development, and other professionals.

I have worked closely with both the city of Trenton and Mercer County in a bipartisan effort to coordinate Federal, State, and local dollars and resources to improve New Jersey's capital. Together we made Trenton one of the initial pilot sites for the Weed and Seed anti-drug crime program, we helped to rehabilitate abandoned rowhouses, and we have made city gardens and parks cleaner and safer.

With its 89,000 residents, we in Trenton are proud to rank with some of the other awardees here today—such as Baltimore, New Orleans, and Detroit—that often receive greater attention from the Federal Government. Trenton—which has the same concerns as these larger cities—will use the money effectively and quickly to clean up sites, eliminating the abandoned areas where drug use, violent crime, and gang-related activities can fester.

Trenton has taken the bull by the horns to address all of these problems. This Brownfields project will advance this fight to save Trenton.

PERSONNAL EXPLANATION

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. FIELDS of Texas. Mr. Speaker, I was unavoidably detained during rollcall votes 555–557 on Monday, July 24. Had I been here, I would have voted ''no'' on rollcall 555; ''no'' on rollcall 556; and ''yes'' on rollcall 557, which was a final passage of H.R. 70.

TAX REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, July 26, 1995, into the CONGRESSIONAL RECORD.

TAX REFORM

I find Hoosiers increasingly interested in the idea of tax reform—scrapping the federal income tax and replacing it with something much simpler and fairer. Tax reform is getting more attention in Congress than it has in a decade, and several plans are under consideration. Reforming the tax system will take some time, but is an effort worth undertaking.

SUPPORT FOR REFORM

Tax reform is getting serious attention for several reasons. First, federal income taxes consistently rank as the most unpopular of all taxes. Second, many Americans spend an enormous amount of time complying with the tax code and filling out forms, at a cost of up to $200 billion each year. That time and money could be used much more productively in other ways. Third, many Americans feel the tax code is rigged for those who can hire experts to find loopholes. Fourth, the current system encourages debt and consumption, and discourages saving and investment. That undermines our ability to boost productivity and raise standards of living. Fifth, some people believe the tax code should be used simply to raise revenue rather than try to influence behavior through a variety of deductions and exemptions. Finally, many see tax reform as another way of downsizing government and making it less intrusive.

CONCERNS ABOUT REFORM

Yet others express words of caution. They say, first of all, that the U.S. has one of the lowest overall tax burdens of the major industrialized countries—only Australia's is slightly lower—and that we should not blindly scrap our system. Second, they point out that 70% of taxpayers use the relatively simple 1040EZ form. Third, tax reform could hurt various sectors in the economy and regions of the country. Changes in the home mortgage deduction, for example, would have a big impact on housing. Fourth, they say people have an exaggerated sense of their income tax burden—most Americans pay less in income taxes than they do in Social Security taxes—so new rates that sound good may actually be no improvement. Fifth, tax reform could be like last session's healthcare reform—people support it in general but get very worried once they learn the details. Finally, reforming the tax system will be very time consuming and complicated exercise, and will open up the tax code to intense lobbying pressures for special favors.

My view is that we now have a unique opportunity for meaningful tax reform and should pursue it. At the same time we need to make sure that in our rush to change, we do not replace an unpopular system with one that turns out to be worse. We need to look at the implications of each of the major plans carefully.

MAIN VERSIONS

Several tax reform plans have been proposed in Congress. All address the public's frustration with the current system, but each has a very different impact on taxpayers and various sectors of the economy.

Flat Tax: One plan calls for a single individual and corporate tax rate of 17%, while eliminating virtually all deductions, including those for home mortgage payments and charitable contributions. This plan has the right goal of trying to simplify the system, but has several drawbacks. It tilts its tax relief heavily toward the wealthy. For example, someone getting $100,000 in income from stock dividends would pay no income tax at all. Also eliminating the home mortgage deduction could cut the value of most Americans' biggest asset—their home—by 15–20%. It would also increase the deficit. Adjusting it so it brings in as much as the current system would mean a flat tax rate of more like 23%.

National Sales Tax: Another plan would scrap the personal and corporate income tax system and replace it with a 17% national sales tax. This plan rightly tries to curb consumption and encourage saving and investment. But a pure sales tax risks a return to inflation and is regressive, hurting lower income people, older Americans, and large families who need to consume a large portion of their income on basic necessities like food and medical services. Trying to remedy this by exempting, say, the first $15,000 of spending could require a burdensome enforcement mechanism. Moreover, the national sales tax would have to be closer to 25% to bring in as much revenue as the current system. That could lead to considerable consumer resistance and widespread cheating. Retailers and industries that depend on people making large purchases, like the auto industry, would be hard hit by a national sales tax.

Consumer-Income Tax: This plan would basically tax spending rather than income. A family would tally up all their savings and investments—including bank deposits, stock purchases, home mortgage payments, and educational expenses—and subtract this from their income; they would then pay taxes on the difference—their consumed income. This approach has a good emphasis on saving and investment and it is designed to be progressive—requiring the wealthy to pay more. But it does not achieve much simplification, and indeed could mean more complex tax calculations for many Americans. It also has the drawback of trying to set up a new, untried tax system. Big losers would be sectors whose products or services are not considered ''investments''.

Modified Flat Tax: A recently announced modified flat tax plan would eliminate almost all current deductions and exemptions, except the home mortgage deduction, in order to reduce overall tax rates. Three-fourths of all taxpayers would pay a flat income tax of 10%, with higher rates for upper income taxpayers—but their rates would still be lower than under the current system. This approach has several advantages: it has the important goal of allowing most taxpayers to pay a flat tax of 10%, it is progressive, and it doesn't add to the deficit. It falls short in not doing enough to encourage greater saving and investment and in eliminating some worthwhile deductions. Yet despite such drawbacks, my sense is that some sort of modified flat tax will be the most likely outcome of the tax reform effort.

CONCLUSION

The tax reform debate has begun in earnest in Congress and in the country, and that is an important step. Yet the issue will not be decided during this session of Congress, instead carrying over to next year's presidential campaign and the next session of Congress. That means we should push for reform but also think carefully about exactly how we want to do it. We need to overhaul the tax system, but we also need to do it right.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

SPEECH OF

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

The House in Committee of the Whole House on the State of the Union 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:

Mr. HILLEARY. Mr. Chairman, I am amazed that the gentleman from Illinois is willing to offer an amendment that will not only directly affect the livelihood and well being of some 124,000 farms in 16 States, but also stop a program that has been benefiting all taxpayers by reducing the Federal deficit. This amendment doesn't affect the big tobacco companies as they might want you to think. It hurts the mom and pop American farmer. It unfairly discriminates against tobacco farmers by denying them access to Federal crop insurance. This is insurance that tobacco farmers have already paid millions of dollars for.

These folks aren't breaking the law and yet the proponents of this amendment would like to treat them like criminals. They want to deny them access to valuable government research, education, and extensions services. The same privileges that farmers of other legal crops all have access to.

These same proponents of this amendment say that these farmers should grow different crops. What they don't understand is in some of these areas tobacco is one of few crops that is capable of growing in their soil. That's why we have family traditions going from generation to generation of growing tobacco in these rural communities.

It's time we leave the small tobacco farmer alone and let them get on with making a living. This amendment is not going to stop one person from smoking, but it will hit rural communities across America with losses of thousands of jobs and dollars.

I urge all of my colleagues to vote ''no'' on the Durbin amendment.

PUBLIC BROADCASTING

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. GILLMOR. Mr. Speaker, the House of Representatives historic vote on the budget resolution sets the stage for congressional action to begin consideration of privatization of PBS. Far from spelling doom for Big Bird or the ''MacNeil-Lehrer Newshour,'' the vote presents public broadcasting with vast opportunities to establish its independence from the Federal Government while preserving its traditional educational mission.

My good friend and colleague MIKE OXLEY—a member of the Commerce Committee—recently stated that it was time for public broadcasting to look beyond its traditional reliance on Federal support for opportunities and alliances in the private sector. By doing so, public broadcasting can insulate itself from politics while securing a reliable and steady source of funding.

What are our options? Public broadcasting's value to viewers, and thus investors, is bound up in its noncommercial emotional identity. One of the most intriguing private sector solutions I have seen to date is the one suggested by our former colleague, Jack Kemp. In a recent Wall Street Journal article, Mr. Kemp called upon PBS to leverage the duplicate public broadcasting stations that exist in most major markets.

According to Mr. Kemp, PBS has 345 stations with sometimes as many as 4 or 5 serving the same market. By contrast, each of the 4 major commercial networks, ABC, NBC, CBS, and Fox have fewer than 225 apiece. By leveraging the commercial potential of its duplicate stations, Mr. Kemp suggests that public broadcasting could preserve the noncommercial, educational nature of the vast majority of its stations while creating a viable and secure source of private sector funding.

With some creative, market-oriented thinking, public broadcasting could be part of a new excitement, finding ways of satisfying the legion of devoted fans and lessen the dependence on the Federal dole. I call upon PBS and its supporters to work with Congress in identifying and developing the kinds of creative and innovative solutions that the new telecommunications market can provide.

Mr. Speaker, I want to see public broadcasting to do the things it does so well, especially the educational mission. But reliance on Federal funding will not keep the system viable. Public broadcasting needs new ideas and new alliances. The market is the place to find them.

IN PRAISE OF POSTAL WORKERS WHO HELP STAMP OUT HUNGER

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. HALL of Ohio. Mr. Speaker, I would like to take a moment today to praise the efforts of a prominent group of American workers who rarely receive the recognition they deserve—both as representatives of the Federal Government and as private citizens who contribute to their local communities.

These are the postal workers who touch each of our lives nearly every day. For many poor and elderly citizens especially, postal workers are the only representatives of the Federal Government that they see, and those citizens depend on the postal workers for contact with the world and many other needs.

But postal workers assist their communities in far more ways than just by delivering the mail. They volunteer their time and efforts in countless communities across the Nation to help those less fortunate than themselves. On May 13, 1995, the National Association of Letter Carriers [AFL–CIO], with the strong support of the U.S. Postal Service management, conducted a food drive for needy families throughout the Nation. On that day, U.S. Postal Service letter carriers collected nonperishable food and canned goods from thousands of generous postal customers who left the food by their mail boxes. The collected food is distributed to hungry people through local food banks and emergency feeding centers.

The annual drive is timed for the second Saturday in May, which is a time of year when food pantries usually run low on donations. This is the third year the drive has been conducted nationwide.

Nationwide, the estimated total collected was more than 44.4 million pounds of food. This was far greater than last year's record total of 32 million pounds. More than 1,130 NALC local branches signed up for the drive, covering an estimated 5,000 to 10,000 communities in all 50 States, Puerto Rico, and the Virgin Islands.

As chairman of the Democratic Task Force on Hunger and the former chairman of the House Select Committee on Hunger, I have a strong interest in promoting efforts such as the postal workers' campaign to help the hungry. Furthermore, as the Representative from Dayton, OH, I want to call special attention to the postal workers in the city of Dayton who collected 167,000 pounds of food.

I am proud that I participated in the drive in my district. On May 13, I walked with Dayton Postmaster David Ashworth, letter carrier William Ernest, and Dan Grilliot, president of the Dayton branch of the National Association of Letter Carriers, as they collected food along a postal carrier route. We walked one of the routes in Centerville, OH, in my district.

I now offer praise to the National Association of Letter Carriers, the management of the U.S. Postal Service, and above all, to the men and women of the postal service who participated in this public spirited campaign to help the less fortunate in our communities.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

SPEECH OF

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

The House in Committee of the Whole House on the State of the Union 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:

Ms. PELOSI. Mr. Chairman, I rise today to express my strong support for the amendment offered by Mr. DURBIN, our colleagues from Illinois. This amendment restores some sense of perspective to the Agriculture appropriations process, a sense of perspective that seems to be missing in the original language of the bill.

Let's clarify what's at stake here: The E. coli bacteria killed 500 people last year, and sickened over 20,000 more. Most of those killed were innocent children who are not alive today because the food they ate was inspected using practices that were first implemented over 90 years ago.

While our meat inspection process remains stuck in the past, this microscopic bacteria continues to evolve and grow more virulent. It kills its victims by liquefying their organs, a cruel death made all the more tragic by the fact that this viscous bacteria is incredibly easy to detect using existing technology.

The capable people at the USDA have set up new standards to combat E. coli and other deadly bacteria, but this bill, as written, is designed to forbid the meat inspectors from performing these simple tests. Please, someone explain to me the logic behind this legislation.

I urge my colleagues to consider their vote on this issue very carefully. We all want to trim unnecessary waste out of the Federal Government. But you know as well as I that the main goal of this legislation is not to rid American citizens of an unneeded expenditure. This bill is not in the best interest of the American citizens. The only interest being served here is the interest of a small group of people who are hiding their profit motive behind the rhetoric of deregulation.

I ask you: Is the health of our children for sale? We have the means to stop these needless deaths. Join with me in supporting the Durbin amendment.

THE SAN DIEGO COASTAL CORRECTIONS ACT

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. OBERSTAR. Mr. Speaker, yesterday the House debated its first Corrections Day bill: H.R. 1943, the San Diego Coastal Corrections Act.

The British poet, Samuel Taylor Coleridge, in ''The Rhyme of the Ancient Mariner,'' evoked ''the mystique of the ocean, dark, mysterious, heaving and endless.''

Mysterious and heaving it is; endless it is not.

H.R. 1943 is assumes that the ocean is endless, that it can absorb any amount of pollution. But, just as we are finding that it is not an inexhaustible store of fish to be mined with impunity, so we will find that it cannot assimilate all man's insults.

This bill is a fitting first Corrections Day bill. H.R. 1943 amends a law which already weakened the Clean Water Act, to weaken it even further. It provides a waiver that the city of San Diego has not sought, ignoring relief the city has been assured by EPA under last year's law, rejecting any discharge standards, permitting the city to provide less treatment for its sewage than it is doing now and discharging almost raw sewage into the Pacific Ocean.

The Ocean Pollution Reduction Act of 1994 (P.L. 103–431) last year gave San Diego the relief it sought from requirements which every other municipality in the country has met or is in the process of meeting.

EPA is ready to grant the waivers to the Clean Water Act, as required under that act.

The House has already passed this bill as part of H.R. 961, this year's amendments to the Clean Water Act.

Mr. Speaker, the Clean Water Act Amendments of 1977 opened a brief window for cities with long outfall pipes discharging into deep ocean to continue to do so. San Diego chose not to avail itself of this relief at the time. The window has long since closed. Now, Congress is asked to reopen that window in a way to let all the flies in.

The Committee on Public Works and Transportation, now the Committee on Transportation and Infrastructure, held hearings on the ocean waiver in connection with the 1977 amendments. Some witnesses supported ocean discharges as a way of enriching the nutrient-poor depths of the Pacific. But they didn't advocate discharging virtually raw sewage, with its toxins and pathogens, as this bill would permit.

The 1977 language in section 301(h), hard-fought-out between both sides, contained numerous assurances that water quality standards and aquatic life would be protected, and defined primary treatment to mean treatment by ''screening, sedimentation, and skimming adequate to remove at least 30 percent of BOD and suspended solids.''

Even those requirements may not apply in this case.

At the committee markup of H.R. 1943 the Committee on Transportation and Infrastructure rejected an amendment that would have imposed at least some standards on the discharge.

Under H.R. 1943, San Diego would be free to discharge almost raw sewage. The bill requires chemically enhanced primary treatment only. The problem is that there is no definition of ''chemically enhanced primary treatment'' in the bill, or in any law. Does this mean that the city doesn't even have to run its sewage through a screener? That they can just dump a bottle of chlorine into it and call it enhanced primary treatment?

This bill rewards almost two decades of foot-dragging by the city, granting San Diego more bounty than it asked for, while your constituents and mine have paid, and are paying, the full costs of achieving clean water.

How fittingly ironic it would be if the beaches of San Diego had to be closed during the Republican Convention because of pollution—disease-bearing bacteria, viruses and floatables—washing up on the beach.

A TRIBUTE TO SEA ISLAND CO.

HON. ROB PORTMAN

OF OHIO

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. PORTMAN. Mr. Speaker, my colleague, Mr. KINGSTON, and I would like to take this opportunity to congratulate the Sea Island Co., which recently won the honor of being named as the 1995 Georgia Family Business of the Year.

Once a deserted waterfront, Sea Island was discovered by Howard Coffin and his cousin Alfred W. Jones, Sr. in 1923. Since then, three generations of Joneses have developed the island into a resort of lush gardens and cottages surrounding the impressive Cloister Hotel.

The grandson of Alfred, Alfred W. Jones III, is currently president of the company and responsible for the company's continuing involvement in community development. As one of the area's major landowners, he has continued his family's tradition of donating company land for churches, schools, parks, and roads, and he himself has been involved in a leadership role with organizations ranging from the Brunswick College Foundation to the Georgia Chamber of Commerce to the Epworth-by-the-Sea Methodist Conference Center.

Since the 1920's, the company has contributed to the community by taking action to ensure that the island's natural habitat be preserved as much as possible. Due to the influence of Sea Island Co., the marshes between Brunswick and the islands were declared historic sites and have been protected from development for several decades. In addition, the building heights on Sea Island and St. Simons were limited to three stories in order to ensure all buildings stand below the tree line.

Other key additions to the community include aid in constructing the first bus service between Brunswick and Jacksonville, creating a telephone exchange, and Alfred Jones' active involvement in the development of the Brunswick Pulp and Paper Co., now owned by Georgia-Pacific and employing over 850 people.

This fall, Sea Island Co. plans to open the Ocean Forest Golf Club, which will be one of the premier courses and will create more employment opportunity on the island. In fact, despite the recent troubled economy, the company has continued to grow and thrive.

Sea Island Co. has been recognized numerous times throughout the years for its accomplishments. Alfred Jones received the Distinguished Georgian Award, and the Society of American Travel Writers' Connie Award honoring his achievement in creating a balance between the use and preservation of Georgia coast.

The tradition of the Jones family is also evident today; Alfred W. Jones, Sr.'s four children are the principal owners of Sea Island Co. Alfred W. Jones, Jr. is the chairman, while siblings Howard Coffin Jones, Katharine Jones O'Connor, and Marianna Jones Kuntz all serve as directors.

However, Mr. Speaker, the emphasis on family does not stop here, even the employees, guests, and residents of the islands are also considered family. In fact, the staff includes many third-generation employees. Sea Island Co. encourages hiring many members of the same family. Recently, 17 relatives were employed there simultaneously.

With emphasis on family values, and achieving that critical balance between development and conservation, Mr. KINGSTON and I ask that you, Mr. Speaker, and my colleagues join me in commending the Sea Island Co., which serves as an example for other businesses across the nation.

A POINT OF LIGHT FOR ALL AMERICANS: IVY CATHERWOOD

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. OWENS. Mr. Speaker, we are privileged to salute Ivy Catherwood as a Point-of-Light for America. For 34 years of her 80 years, Ms. Catherwood served on the staff of the New York City Police Department. Her story is a story of self-help, sterling citizenship, and great generosity to her community.

Ivy Catherwood was born in the Roxbury section of Boston, MA, on July 29, 1915. Her parents, Louise and Claude, both of West Indian descent, moved shortly after her birth back to Jamaica in the West Indies. She attended elementary and high school in the West Indies. She returned to the United States and worked for several years in Boston as a saleslady. In the mid 1950's, she came to New York City and attended Hunter College for 2 years studying liberal arts at night. She also held several jobs—one as a clerk at Beth Israel Hospital in Manhattan. She was hired by the New York City Police Department in November, 1960, and worked for 34 years until April, 1995. She has two brothers, one deceased. She also has 1 nephew, 1 grand nephew, and 1 grand niece.

Her extended family consists of the many organizations of which she is a member: NYPD Guardians Association—was the secretary for 6 years and civilian trustee for approximately 10 years, Vanguard Independent Democratic Association, 100 Women for Major Owens, the Federation of African-American Civil Servants—served as a delegate from the Guardians Association, the Federation of Black Trade Unionists, DC–37, Local 1549—served as a delegate from the NYPD, CBTU, and CLU.

Ivy is an outstanding example of loyalty and dependability. She can be counted on to make the phone calls for the union or political candidates and assist with voter registration or other assigned tasks. Ivy has been an outstanding financial supporter of elected officials and community-based organizations. She fully understands the concept of political and economic empowerment. Her activism is witnessed by her colleagues and many friends because she teaches by example. We pause to salute Ivy Catherwood on the occasion of her birthday and retirement after 34 years of service with the New York City Police Department.

Ivy Catherwood's great Point-of-Light shines behind the achievement of many Brooklyn and New York City leaders. Through several decades, Ivy has been there for the causes that mattered most. As a model for her generation and for our youth, we proudly salute Ivy Catherwood as a great Point-of-Light.

HONORING DR. LINCOLN J. RAGSDALE, SR.

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. PASTOR. Mr. Speaker, I rise today to take this opportunity to pay tribute to a great man, a distinguished citizen, and a dear personal friend, Dr. Lincoln J. Ragsdale, Sr.

Born on July 27, 1926, Dr. Ragsdale's accomplishments began early in his life. After serving in World War II, he graduated from the Prestigious Tuskegee Flying School in 1945 as a commissioned second lieutenant. In what would later shape much of his life, Dr. Ragsdale became the first black pilot at Luke Air Force Base in Litchfield Park, AZ.

Following his military career, he continued his education with great success. He graduated magna cum laude from the California College of Mortuary Science in Los Angeles, CA. Continuing his education, he received an associate of arts degree from Phoenix College and bachelor of science degree from Arizona State University. Additionally, he held an honorary doctor of law degree from Shorter College and earned a doctor of philosophy degree in business administration from Union Graduate School in Cincinnati, OH.

This was only the beginning. Dr. Ragsdale became a successful entrepreneur and a community activist. His accomplishments too numerous to mention, Dr. Ragsdale will always be remembered for his efforts as a civil rights leader.

Having endured racism, discrimination, and injustice throughout much of his life, Dr. Ragsdale never forgot his roots. Many times, at the expense of his business endeavors, he devoted himself to fighting the racial barriers he had faced. In the 1950's and 1960's, he fought to end segregation in Phoenix and secure a better life for all men and women. He did this with passion and without fear of the consequences. The love and support of his family and strong belief in God served as his sources of strength.

Dr. Lincoln Ragsdale's life and accomplishments embody the true values—love of family, nation, and God—that have made this a great country. A man of vision, he served as a source of inspiration and hope for many of us who have followed his steps in our struggle for equality and justice for all citizens. May his deeds and actions serve us all as a guiding light to lead our efforts in pursuit of a better tomorrow for generations to come.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 27, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 28

9:30 a.m.

Labor and Human Resources

To hold hearings on health insurance relative to domestic violence issues.

SD–430

10:00 a.m.

Appropriations

Business meeting, to mark up H.R. 1977, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and proposed legislation making appropriations for the Department of Defense for the fiscal year ending September 30, 1996.

SD–192

Banking, Housing, and Urban Affairs

To hold hearings on the nominations of Herbert F. Collins, of Massachusetts, to be a Member of the Thrift Depositor Protection Oversight Board, Resolution Trust Corporation, and Maria Luisa Mabilangan Haley, of Arkansas, to be a Member of the Board of Directors of the Export-Import Bank of the United States.

SD–538

11:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the condition of the Savings Association Insurance Fund.

SD–538

AUGUST 1

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the future of the Department of Commerce.

SR–253

10:00 a.m.

Budget

To hold hearings to review the Office of Management and Budget at mid-session.

SD–608

2:00 p.m.

Environment and Public Works

Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee

To hold oversight hearings on title V of the Clean Air Act (relating to permitting).

SD–406

Judiciary

To hold hearings on pending nominations.

SD–226

AUGUST 2

9:30 a.m.

Energy and Natural Resources

To hold hearings to discuss leasing of the Arctic Oil Reserve located on the Arctic Coastal Plain of the Arctic National Wildlife Refuge for oil and gas exploration and production and the inclusion of the leasing revenues in the budget reconciliation.

SD–366

Governmental Affairs

Post Office and Civil Service Subcommittee

To hold hearings to review the annual report of the Postmaster General.

SD–342

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold hearings on proposed legislation authorizing funds for the Administrative Conference.

SD–226

Labor and Human Resources

Business meeting, to mark up S. 1028, to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, and to increase the purchasing power of individuals and small employers.

SD–430

Indian Affairs

Business meeting, to consider pending calendar business; to be followed by oversight hearings on the implementation of the Indian Tribal Justice Act (P.L. 103-176).

SR–485

10:00 a.m.

Environment and Public Works

Business meeting, to consider pending calendar business.

SD–406

2:00 p.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to examine proposals to reform the operation of the Federal Aviation Administration (FAA).

SR–253

Environment and Public Works

Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee

To resume oversight hearings on implementation of section 404 (relating to wetlands) of the Clean Water Act.

SD–406

AUGUST 3

9:30 a.m.

Special on Aging

To hold hearings to examine Medicare health maintenance organization (HMO) programs and whether the Health Care Financing Administration is doing enough to ensure that patients receive high quality care when they enroll in such programs.

SD–628

Wednesday, July 26, 1995

Daily Digest

HIGHLIGHTS

Senate passed Bosnia-Herzegovina Self-Defense Act.

House passed Commerce-State-Justice appropriations bill.

Senate

Chamber Action

Routine Proceedings, pages S10665–S10746

Measures Introduced: Five bills and one resolution were introduced, as follows: S. 1073–1077, and S. Res. 156. **Pages S10729–30**

Measures Passed:

Bosnia/Herzegovina Self-Defense Act: By 69 yeas to 29 nays (Vote No. 331), Senate passed S. 21, to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina, after taking action on amendments proposed thereto, as follows: **Pages S10665–97**

Adopted:

Dole Amendment No. 1801, in the nature of a substitute. **Pages S10665–96**

By 75 yeas to 23 nays (Vote No. 330), Nunn/Graham/Robb Amendment No. 1848 (to Amendment No. 1801), to reiterate statement of the Contract Group that lifting the embargo is unavoidable if Serbs persist on current course and urges the President to introduce a United Nations resolution to lift Bosnian arms embargo multilaterally.

Pages S10680, S10684, S10689–96

By 57 yeas to 41 nays (Vote No. 329), Cohen Amendment No. 1851 (to Amendment No. 1848), to require the United States to bring the issue of the termination of the arms embargo of Bosnia and Herzegovina to the General Assembly for a decision if the United Nations Security Council fails to gain unanimity to adopt a resolution to terminate the arms embargo. **Pages S10684, S10696**

Ryan White CARE Act Authorization: Senate resumed consideration of S. 641, to reauthorize the Ryan White CARE Act of 1990, taking action on amendments proposed thereto, as follows:

Pages S10697–99, S10701–28

Adopted:

(1) Kassebaum/Kennedy Amendment No. 1852, to provide for the adoption by States of the guidelines issued by the Centers for Disease Control and Prevention concerning recommendations for immunodeficiency virus counseling and voluntary testing for pregnant women. **Pages S10702–04**

(2) By a unanimous vote of 98 yeas (Vote No. 332), Helms Amendment No. 1853, to prohibit States from receiving funds if they do not have a program to notify spouses of patients infected with the human immunodeficiency virus. **Pages S10707–09**

(3) Kassebaum (for Graham) Amendment No. 1859, to strike provisions relating to the medicare wage index. **Page S10723**

Pending:

(1) Helms Amendment No. 1854, to prohibit the use of amounts made available under this Act for the promotion or encouragement of homosexuality or intravenous drug use. **Pages S10711–12**

(2) Helms Amendment No. 1855, to limit amounts appropriated for each of fiscal years 1996 through 2000 under title XXVI of the Public Health Service Act to the level of such appropriations in fiscal year 1995. **Page S10715**

(3) Helms Amendment No. 1856, to ensure that Federal employees will not be required to attend or participate in AIDS or HIV training programs.

Pages S10715–21

(4) Helms Amendment No. 1857, to limit amounts appropriated for AIDS or HIV activities from exceeding amounts appropriated for cancer.

Page S10721

(5) Kassebaum Amendment No. 1858, to prohibit the use of funds to fund AIDS programs designed to promote or encourage intravenous drug use or sexual activity. **Pages S10721–23**

A unanimous-consent time agreement was reached providing for further consideration of the bill, the amendments pending thereto, and certain further

amendments to be proposed on Thursday, July 27, 1995, with a vote on final passage to occur thereon. **Page S10728**

Department of State Authorizations—Cloture Motion Filed: A motion entered to close further debate on the motion to proceed to consideration of S. 908, to authorize appropriations for the Department of State for fiscal years 1996 through 1999 and to abolish the United States Information Agency, the United States Arms Control and Disarmament Agency, and the Agency for International Development and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Friday, July 28, 1995. **Page S10710**

Subsequently, the motion to proceed was withdrawn. **Page S10710**

Foreign Assistance Authorizations—Cloture Motion Filed: A motion was entered to close further debate on the motion to proceed to consideration of S. 961, to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to authorize reduced levels of appropriations for foreign assistance programs for fiscal years 1996 and 1997 and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Friday, July 28, 1995. **Page S10710**

Subsequently, the motion to proceed was withdrawn. **Page S10710**

Messages From the House: **Page S10729**

Measures Referred: **Page S10729**

Measures Placed on Calendar: **Page S10729**

Statements on Introduced Bills: **Pages S10730–38**

Additional Cosponsors: **Page S10738**

Amendments Submitted: **Pages S10738–42**

Notices of Hearings: **Page S10742**

Authority for Committees: **Page S10742**

Additional Statements: **Pages S10742–46**

Record Votes: Four record votes were taken today. (Total—332) **Pages S10696, S10708–09**

Recess: Senate convened at 8:30 a.m., and recessed at 8:01 p.m., until 9:15 a.m., on Thursday, July 27, 1995. (For Senate's program, see the remarks of the Acting Majority Leader in today's RECORD on page S10746.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—DEFENSE

Committee on Appropriations: Subcommittee on Defense approved for full committee consideration proposed legislation making appropriations for the Department of Defense for the fiscal year ending September 30, 1996.

APPROPRIATIONS—INTERIOR

Committee on Appropriations: Subcommittee on Interior approved for full committee consideration, with amendments, H.R. 1977, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996.

APPROPRIATIONS—TREASURY/POSTAL SERVICE

Committee on Appropriations: On Tuesday, July 25, Subcommittee on Treasury, Postal Service, and General Government approved for full committee consideration, with amendments, H.R. 2020, making appropriations for the Department of the Treasury, the United States Postal Service, the Executive Office of the President, and certain independent agencies for the fiscal year ending September 30, 1996.

NOMINATIONS

Committee on Armed Services: Committee ordered favorably reported 2,314 military nominations in the Army, Navy, Marine Corps, and Air Force.

MARITIME SECURITY PROGRAM

Committee on Commerce, Science, and Transportation: Subcommittee on Surface Transportation and Merchant Marine concluded hearings on proposed legislation authorizing funds for the maritime security program of the Maritime Administration, after receiving testimony from Senator Lott; Albert J. Herberger, Administrator, Maritime Administration, Department of Transportation; Gen. Robert L. Rutherford, USAF, Commander in Chief, United States Transportation Command, Scott Air Force Base, Illinois; John P. Clancey, Sea-Land Service, Inc., Timothy Rhein, American President Companies, and Joel E. Bem, Marine Engineers Beneficial Association, all of Washington, D.C.; Erik F. Johnsen, Waterman Steamship Corp. and Central Gulf Lines, Inc., New Orleans, Louisiana; Thomas Bowler, American Shipbuilders Association, Arlington, Virginia; Thomas P. Jones, Shipbuilders Council of America, Alexandria,

Virginia; Timothy Brown, International Organization of Masters, Mates and Pilots, Linthicum Heights, Maryland; Michael R. McKay, American Maritime Officers, Dania, Florida; and Michael Sacco, Seafarers International Union of North America (AFL-CIO), Camp Springs, Maryland.

MEDICARE REFORM

Committee on Finance: Committee continued hearings to examine ways to improve the Medicare program and make it financially sound, focusing on the modernization of Medicare and giving senior citizens more choice in the kinds of plans that are available to them, receiving testimony from Jordan J. Cohen, Association of American Medical Colleges, and Karen Ignani, Group Health Association of America, Inc., both of Washington, D.C.; John C. Goodman, National Center for Policy Analysis, Dallas, Texas; Dennis G. Kasselman, Mid-America Health Partners, Inc., Kansas City, Missouri, on behalf of the American Association of Preferred Provider Organizations; and John P. Lee, Sisters of Providence Health System, Portland, Oregon, on behalf of the Medicare Fairness Coalition.

Hearings were recessed subject to call.

PUNITIVE DAMAGES REFORM

Committee on the Judiciary: Committee held hearings to examine the Food and Drug Administration defense against punitive damages in product liability cases as contained in section 103(c), to permit punitive damages, to the extent permitted by applicable Federal or State law, in any civil action in a Federal or State court against a defendant if the claimant establishes by clear and convincing evidence that the harm suffered was the result of conduct that is either specifically intended to cause harm or carried out with conscious, disregard for the rights or safety of other persons, of Title I (Punitive Damages Reform) of S. 672, Civil Justice Fairness Act, receiving testimony from Janice Toran, G. D. Searle & Co., Skokie, Illinois; Lucinda M. Finley, State University of New York, Buffalo; and Richard M. Cooper, Williams & Connolly, Washington, D.C.; on behalf of the Pharmaceutical Research and Manufacturers of America.

Hearings were recessed subject to call.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

WHITEWATER

Special Committee to Investigate the Whitewater Development Corporation and Related Matters: Committee resumed 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 Henry P. O'Neill, United States Secret Service, Department of the Treasury; Margaret A. Williams, Assistant to the President and Chief of Staff for the First Lady; and Evelyn S. Lieberman, White House Deputy Press Secretary for Operations, former Assistant to Chief of Staff for the First Lady.

Hearings continue tomorrow.

House of Representatives

Chamber Action

Bills Introduced: Nine public bills, H.R. 2114–2122; and three resolutions, H.J. Res. 103–105 were introduced. **Pages H7800–01**

Report Filed: One report was filed as follows: H.R. 1103, entitled "Amendments to the Perishable Agricultural Commodities Act, 1930", amended (H. Rept. 104–207). **Page H7800**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Radanovich to act as Speaker pro tempore for today. **Page H7703**

Recess: House recessed at 10:02 a.m. and reconvened at 12:15 p.m. **Pages H7703, H7705**

Address by President of the Republic of Korea: The Senate and House met in a joint meeting to receive His Excellency, Kim Young Sam, President of the Republic of Korea. President Kim Young Sam was escorted to and from the House Chamber by Senators Dole, Cochran, Helms, Chafee, Warner, Murkowski, Thomas, Daschle, Pell, Inouye, Nunn, Glenn, and Robb; and Representatives Armey, DeLay, Boehner, Cox, Vucanovich, Gilman, Bereuter, Solomon, Kim, Gephardt, Bonior, Fazio, Kennelly, Berman, Murtha, Foglietta, Richardson, Ackerman, Becerra, and Doggett. **Pages H7704–05**

Committees To Sit: The following committees and their subcommittees received permission to sit today during the proceedings of the House under the 5-minute rule: Committees on Banking and Financial Services, Commerce, Government Reform and Oversight, International Relations, Judiciary, National Security, Science, Small Business, and Select Intelligence. **Pages H7708–09**

Commerce—State—Justice Appropriations: By a yea-and-nay vote of 272 yeas to 151 nays, Roll No. 585, the House passed H.R. 2076, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996. **Pages H7709–91**

On a demand for a separate vote, agreed to the Meyers of Kansas amendment that transfers $4.4 million in funds from administrative expenses to the SBA's business loans program to the salaries and expense account (agreed to by a recorded vote of 368 ayes to 57 noes, Roll No. 584). This amendment was agreed to earlier in the Committee of the Whole by a voice vote. **Pages H7775–78, H7782, H7790–91**

Agreed To:

The Rogers amendment that increases by $50 million funding for grants to combat violence against women and offsets this increase by reducing by $50 million local law enforcement block grants; **Page H7710**

The Traficant amendment that provides that if local law enforcement block grant funds are used to increase the number of law enforcement officers, a net gain in the number of officer who perform nonadministrative public safety service must be achieved; **Page H7710**

The Mollohan amendment, as amended by the Rogers substitute, that increases funding for the National Oceanic and Atmospheric Administration (NOAA) and other coastal zone management programs by $34 million and offsets this increase by reducing the fleet modernization program by $12 million, contributions to international organizations by $12 million, and patent and trademark office funding by $10 million; **Pages H7735–39**

The Klug amendment that reduces by 28 the number of commissioned officers in the NOAA fleet; **Page H7741**

The Farr amendment that increases by $2 million funds to be derived from the fund entitled ''Promote and Develop Fishery Products and Research Pertaining to American Fisheries'' for NOAA operations; **Pages H7741–42**

The Portman amendment that reduces by $2 million the Court of Appeals and District Court's space alteration projects, and furniture and furnishing related to new space alteration and construction projects; **Pages H7757–58**

The Smith of New Jersey amendment that increases by $2 million funding for the National Endowment for Democracy; **Pages H7760–61**

The Gilman amendment that prohibits the opening, operating, expanding, and increasing the total number of personnel assigned to United States diplomatic or consular posts in Vietnam; **Pages H7765–66**

The Goodling amendment that prohibits use of funds for any United Nations undertaking when it is known that the undertaking is a peacekeeping mission, will involve United States Armed Forces under the command or operational control of a foreign national, and the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to Congress such recommendation; **Pages H7766–67**

The Zimmer amendment that prohibits use of funds for various amenities and personal comforts in the Federal prison system; **Page H7768**

The Skaggs amendment, as amended by the Smith of New Jersey substitute amendment (substitute agreed to by a recorded vote of 285 ayes to 139 noes, Roll No. 582), that prohibits use of funds for the ''USIA Television Marti Program'' when it is known that such funds would be inconsistent with the applicable provision of the March 1995 Office of Cuba Broadcasting Reinventing Plan of the USIA; and **Pages H7768–73, H7784**

The Klug amendment that prohibits use of funds for NOAA fleet modernization unless those funds are used to contract with the private sector. **Pages H7774–75**

Rejected:

The Mollohan amendment that sought to increase by $30 million funding for the Byrne program and offset this increase by reducing funding for the State criminal alien assistance program (rejected by a recorded vote of 171 ayes to 256 noes, Roll No. 572); **Pages H7710–15, H7722–23**

The Scott amendment that sought to increase by $300 million local law enforcement block grants and offset this increase by reducing truth in sentencing grant funding (rejected by a recorded vote of 105 ayes to 321 noes, Roll No. 573); **Pages H7715–17, H7723**

The Norton amendment that sought to strike language that prohibits use of funds to perform abortions in the Federal prison system unless the life of the mother would be endangered or in the case of rape (rejected by a recorded vote of 146 ayes to 281 noes, Roll No. 574); **Pages H7718–20, H7723–24**

The Fields of Louisiana amendment that sought to earmark $200 million of the local law enforcement block grant funding for crime prevention and model grants programs (rejected by a recorded vote of 128 ayes to 296 noes, Roll No. 275);

Pages H7720–22, H7724–25

The Hastings of Florida amendment that sought to increase by $37.5 million funds for the Equal Employment Opportunity Commission and offset this increase by reducing funding for salaries and expenses in Federal prisons (rejected by a recorded vote of 84 ayes to 321 noes, Roll No. 577);

Pages H7725–29

The Allard amendment that sought to eliminate $5 million in funds for the Technology Administration (rejected to by a recorded vote of 197 ayes to 230 noes, Roll No. 578); **Pages H7739–41, H7750–51**

The Hefley amendment that sought to eliminate funding for the Economic Development Administration (rejected to by a recorded vote of 115 ayes to 310 noes, Roll No. 579); **Pages H7742–51**

The Mollohan amendment that sought to strike language barring any new funds from supporting the National Institute of Standards and Technology (NIST) advanced technology program and prohibit use of funds for anything other than continuation grants (rejected by a recorded vote of 204 ayes to 223 noes, Roll No. 580); **Pages H7751–55, H7782–83**

The Engel amendment that sought to increase public broadcasting facilities, planning and construction by $2 million and offset that increase by decreasing by $2 million periodic censuses and programs (rejected by a recorded vote of 188 ayes to 234 noes, Roll No. 581); and **Pages H7756, H7783**

The Serrano amendment that sought to prohibit use of funds for the Advisory Board for Cuba Broadcasting (rejected by a recorded vote of 150 ayes to 277 noes, Roll No. 583). **Pages H7778–82, H7784–85**

The following amendments were offered but subsequently withdrawn:

The Hastings of Florida amendment that sought to increase by $35 million funds for the Equal Employment Opportunity Commission and offset this increase by reducing funding for salaries and expenses in Federal prisons; **Page H7718**

The Becerra amendment that sought to increase by $8 million research for the Immigration and Naturalization Service to promote and expedite naturalization and offset this increase by reducing $8 million in funding available for State Department capital investment funds; and **Pages H7729–30**

The Gutierrez amendment that sought to provide $4 million to appropriate community groups to promote the opportunities and responsibilities of United States citizenship. **Pages H7730–31**

Points of order were sustained against the following amendments:

The Stupak amendment that sought to earmark $600 million of the funds available for local law enforcement block grant funding for rural areas with a population of 50,000 or less; and **Pages H7717–18**

The Engel amendment that sought to provide $2 million in funds for the endowment for children's educational television. **Pages H7755–56**

Legislative Branch Appropriations: House disagreed to the Senate amendments to H.R. 1854, making appropriations for the Legislative Branch for the fiscal year ending September 30, 1996; and agreed to a conference. Appointed as conferees: Representatives Packard, Young of Florida, Taylor of North Carolina, Miller of Florida, Wicker, Livingston, Fazio, Thornton, Dixon, and Obey. **Page H7791**

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on pages H7801–03.

Senate Messages: Message received from the Senate today appears on page H7703.

Quorum Calls—Votes: One quorum call (Roll No. 576), one yea-and-nay vote and twelve recorded votes developed during the proceedings of the House today and appear on pages H7722–23, H7723, H7723–24, H7724–25, H7728, H7728–29, H7750–51, H7751, H7782–83, H7783, H7784, H7784–85, H7790–91, and H7791. There were no quorum calls.

Adjournment: Met at 10 a.m. and adjourned at 11:54 p.m.

Committee Meetings

DEBT ISSUANCE AND INVESTMENT PRACTICES ON STATE AND LOCAL GOVERNMENTS

Committee on Banking and Financial Services: Subcommittee on Capital Markets held a hearing on Debt Issuance and Investment Practices on State and Local Governments. Testimony was heard from Representative Cox of California; Paul S. Maco, Director, Office of Municipal Finance, SEC; the following officials of the State of California: Matt Fong, Treasurer; and Kurt Sjoberg, Auditor; and public witnesses.

Hearings continue tomorrow.

TRANSFORMATION OF THE MEDICAID PROGRAM

Committee on Commerce: Subcommittee on Health and Environment continued hearings on the Transformation of the Medicaid Program. Testimony was heard from Bruce Vladeck, Administrator, Health Care Financing Administration, Department of

Health and Human Services; Fife Symington, Governor, State of Arizona; Charles Condon, Attorney General, State of South Carolina; Kay C. James, Secretary, Health and Human Services, State of Virginia; Michael D. McKinney, M.D., Commissioner, Department of Health and Human Services, State of Texas; Robert Corker, Commissioner, Department of Finance and Administration, State of Tennessee; Jean Thorne, Director, Office of Medical Assistance, State of Oregon; and public witnesses.

Hearings continue August 1.

OPM PRIVATIZATION INITIATIVES

Committee on Government Reform and Oversight: Subcommittee on Civil Service held a hearing on OPM Privatization Initiatives: Contracting Out Training. Testimony was heard from Representative Klug; James B. King, Director, OPM; Philip H. Hudson, Director, Graduate School, USDA; and public witnesses.

DISTRICT OF COLUMBIA CONVENTION CENTER AND SPORTS ARENA AUTHORIZATION ACT

Committee on Government Reform and Oversight: Subcommittee on District of Columbia approved for full Committee action H.R. 2108, District of Columbia Convention Center and Sports Arena Authorization Act of 1995.

MISCELLANEOUS MEASURES

Committee on International Relations: Ordered reported the following measures: H. Res. 181, encouraging the peace process in Sri Lanka; and H. Con. Res. 80, amended, expressing the sense of Congress that the United States should recognize the concerns of the peoples of Oceania and call upon the Government of France to cease all nuclear testing at the Moruroa and Fangataufa atolls.

REORGANIZATION OF THE FEDERAL ADMINISTRATIVE JUDICIARY ACT

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held a hearing on H.R. 1802, Reorganization of the Federal Administrative Judiciary Act. Testimony was heard from Senator Heflin; Representatives Bevill, Frank of Massachusetts and Kanjorski; John W. Hardwicke, Chief Administrative Law Judge, Office of Hearings and Appeals, State of Maryland; and public witnesses.

OVERSIGHT—WACO

Committee on the Judiciary: Subcommittee on Crime and the Subcommittee on National Security, International Affairs, and Criminal Justice continued oversight hearings on Federal Law Enforcement Actions in Relation to the Branch Davidian Compound in Waco, Texas. Testimony was heard from the following officials of the Department of Justice: Jim Cavanaugh, Special Agent, Bureau of Alcohol, Tobacco and Firearms; Pete Smerick, former Criminal Investigative Analyst, Byron Sage, SSRA in Austin, Gary Noesner, SSA in Quantico and Jeffrey Jamar, former SAC in San Antonio, all with the FBI; Hays Parks, Treaty Specialist, Department of Defense; and public witnesses.

Hearings continue tomorrow.

DEFENSE BASE CLOSURE ACT

Committee on National Security: Agreed to adversely report H.J. Res. 102, disapproving the recommendations of the Defense Base Closure and Realignment Commission.

CYBERPORN: PROTECTION OF OUR CHILDREN FROM THE BACK ALLEY OF INTERNET

Committee on Science: Subcommittee on Basic Research and Subcommittee on Technology held a joint hearing on Cyberporn: Protecting Our Children From the Back Alleys of the Internet. Testimony was heard from Kevin Manson, Legal Division, Federal Law Enforcement Training Center, Department of the Treasury; and public witnesses.

OSHA REFORM

Committee on Small Business: Held a hearing on OSHA Reform. Testimony was heard from Representative Norwood; Joseph A. Dear, Assistant Secretary, Occupational Safety and Health, Department of Labor; and public witnesses.

CLARIFYING THE STATUS OF INDEPENDENT CONTRACTORS

Committee on Small Business: Subcommittee on Taxation and Finance held a hearing on the need to clarify the status of independent contractors. Testimony was heard from Representatives Christensen and Kim; and public witnesses.

Hearings continue August 2.

ETHICS INVESTIGATION

Committee on Standards of Official Conduct: Met in executive session to continue to take testimony regarding the ethics investigation of Speaker Gingrich. Testimony was heard from Jack Romanos, President, Simon and Schuster Consumer Group; Peggy Binzel, Vice President, Government Relations, News Corporation; Preston Padden, President, Network Distribution, Fox Broadcasting Co.; and Jack McKeown, Senior Vice President and Publisher, Adult Trade Division, Harper/Collins Publishers, Inc.

Will continue tomorrow.

O'GRADY SHOOTDOWN

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on the O'Grady Shootdown. The Committee was briefed by departmental witnesses.

CHINA PROLIFERATION

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on China Proliferation. The Committee was briefed by departmental witnesses.

COMMITTEE MEETINGS FOR THURSDAY, JULY 27, 1995

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations, Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine family planning issues, 9:30 a.m., SD–138.

Full Committee, business meeting, to mark up H.R. 1905, making appropriations for energy and water development for the fiscal year ending September 30, 1996, and H.R. 2020, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies for the fiscal year ending September 30, 1996, 3 p.m., SD–192.

Committee on Commerce, Science, and Transportation, to hold hearings on proposed legislation to reform the Federal Communications Commission procedures in their use of auctions for the allocation of radio spectrum frequencies for commercial use, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources, to hold hearings on the nomination of John Raymond Garamendi, of California, to be Deputy Secretary of the Interior, 9:30 a.m., SD–366.

Committee on Finance, to hold hearings on the Federal Medicaid matching formula, 9:30 a.m., SD–215.

Committee on Governmental Affairs, to resume hearings on S. 929, to abolish the Department of Commerce, 9:30 a.m., SD–342.

Committee on the Judiciary, business meeting, to consider pending calendar business, 9:30 a.m., SD–226.

Full Committee, to hold hearings to examine prison reform, focusing on enhancing the effectiveness of incarceration, 10 a.m., SD–106.

Committee on Labor and Human Resources, to hold hearings on proposed legislation to authorize funds for programs of the Substance Abuse and Mental Health Services Act, 9:30 a.m., SD–430.

Special Committee To Investigate Whitewater Development Corporation and Related Matters, to continue 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, 9:30 a.m., SH–216.

NOTICE

For a listing of Senate Committee Meetings scheduled ahead, see page E1520 in today's RECORD.

House

Committee on Agriculture, Subcommittee on Resource Conservation, Research, and Forestry, hearing to review farm credit regulation and to mark up H.R. 2029, Farm Credit System Regulatory Relief Act of 1995, 9:30 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on the District of Columbia, on D.C. Finances, 10 a.m., 2360 Rayburn.

Committee on Banking and Financial Services, Subcommittee on Capital Markets, to continue hearings on Debt Issuance and Investment Practices on State and Local Governments, 10 a.m., 2128 Rayburn.

Committee on Economic and Educational Opportunities, Subcommittee on Workforce Protections, to continue hearings on H.R. 1834, Safety and Health Improvement and Regulatory Reform Act of 1995, 9:30 a.m., 2175 Rayburn.

Committee on Government Reform and Oversight, to mark up the following bills: H.R. 1670, Federal Acquisition Reform Act; and H.R. 2108, District of Columbia Convention Center and Sports Arena Authorization Act of 1995, 1:30 p.m., 2154 Rayburn.

Subcommittee on National Security, International Affairs, and Criminal Justice and the Subcommittee on Crime of the Committee on the Judiciary, to continue oversight hearings on Federal Law Enforcement Actions in Relation to the Branch Davidian Compound in Waco, Texas, 9 a.m. 2141 Rayburn.

Committee on International Relations, Subcommittee on Asia and the Pacific, hearing on Hong Kong After 1997, 10 a.m., 2200 Rayburn.

Subcommittee on International Operations and Human Rights, hearing on Comprehensive Plan of Action for Southeast Asian Refugees, 10 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, to continue hearings on the Reauthorization of the Legal Services Corporation, 10 a.m. 2226 Rayburn.

Subcommittee on Courts and Intellectual Property, to mark up the following bills: H.R. 1734, National Film Preservation Act of 1995; H.R. 1270, Madrid Protocol Implementation Act; H.R. 1295, Federal Trademark Dilution Act of 1995; H.R. 632, to enhance fairness in compensating owners of patents used by the United States; and H.R. 1506, Digital Performance Right in Sound Recordings Act of 1995, 10 a.m., 2237 Rayburn.

Committee on Resources, Subcommittee on Energy and Mineral Resources, oversight hearing on the management alternatives of Outer Continental Shelf oil and gas resources, including the Administration's proposals to (1) sell the royalty stream, and (2) transfer of the Minerals Management Service to another Federal agency, 2 p.m., 1334 Longworth.

Subcommittee on Fisheries, Wildlife and Oceans, hearing to consider technical changes to the Coastal Barrier

Resources Act and to consider H.R. 1741, to provide for the conveyance of the C.S.S. Hubley to the State of South Carolina, 10 a.m., 1334 Longworth.

Subcommittee on National Parks, Forests and Lands, hearing on H.R. 2081, to recognize the validity of rights-of-way granted under section 2477 of the Revised Statutes, 10 a.m., 1324 Longworth.

Committee on Standards of Official Conduct, executive to continue to take testimony regarding the ethics investigation of Speaker Gingrich, 10 a.m., and 2 p.m., HT–2M Capitol.

Committee on Transportation and Infrastructure, to mark up H.R. 2017, District of Columbia Emergency Highway Relief Act, 5 p.m., 2167 Rayburn.

Subcommittee on Aviation, hearing on reasons for, and reporting of, Airline Flight Delays, 9:30 a.m., 2167 Rayburn.

Subcommittee on Public Buildings and Economic Development, hearing on the GSA Leasing Program, 11 a.m., 2253 Rayburn.

Committee on Ways and Means, Subcommittee on Health and the Subcommittee on Health and Environment of the Committee on Commerce, joint hearing on Standards for Health Plans Providing Coverage in the Medicare Program, 10 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, to continue hearings on IC21, 9 a.m., Rayburn.

Next Meeting of the SENATE

9:15 a.m., Thursday, July 27

Senate Chamber

Program for Thursday: Senate will resume consideration of S. 641, Ryan White CARE Reauthorization Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, July 27

House Chamber

Program for Thursday and the balance of the week: Consideration of H.R. 2099, VA–HUD Appropriations Act (open rule, 1 hour of general debate).

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